

# **CECIL COUNTY ZONING ORDINANCE**

***Adopted:***        ***1993***

***Effective:***      ***July 1, 1993***

	<u><b>Section</b></u>	<u><b>Amendment Type</b></u>
<b><i>Amended:</i></b>	<b><i>Nov. 23, 1993, Jan. 4, 1994, Feb. 15, 1994</i></b>	<b><i>Incorporated in text</i></b>
	<b><i>November 15, 1994</i></b>	<b><i>189</i></b>
	<b><i>January 3, 1995</i></b>	<b><i>71</i></b>
	<b><i>July 25, 1995</i></b>	<b><i>115</i></b>
	<b><i>August 1, 1995</i></b>	<b><i>39</i></b>
	<b><i>August 9, 1996 (2)</i></b>	<b><i>70.3</i></b>
		<b><i>69</i></b>
	<b><i>December 24, 1996</i></b>	<b><i>38</i></b>
	<b><i>January 28, 1997</i></b>	<b><i>200</i></b>
	<b><i>June 3, 1997</i></b>	<b><i>58</i></b>
	<b><i>December 29, 1998</i></b>	<b><i>12 &amp; 54.4</i></b>
	<b><i>May 4, 1999</i></b>	<b><i>196 &amp; 198</i></b>
	<b><i>March 7, 2000</i></b>	<b><i>70 &amp; 54.4</i></b>
	<b><i>April 18, 2000</i></b>	<b><i>54.4, 158 &amp; 12</i></b>
	<b><i>September 5, 2000</i></b>	<b><i>182 &amp; 12</i></b>
	<b><i>September 19, 2000 (2)</i></b>	<b><i>4, 245</i></b>
	<b><i>September 26, 2001</i></b>	<b><i>115</i></b>
	<b><i>August 20, 2002</i></b>	<b><i>261.10 &amp; 261.12</i></b>
	<b><i>August 26, 2003 (2)</i></b>	<b><i>84</i></b>
		<b><i>12 &amp; 49</i></b>
	<b><i>March 26, 2004</i></b>	<b><i>184</i></b>
	<b><i>September 7, 2004</i></b>	<b><i>86, 87, 131, 145</i></b>
	<b><i>November 16, 2004 (6)</i></b>	<b><i>12, 22, 23</i></b>
		<b><i>193</i></b>
		<b><i>214, 306</i></b>
	<b><i>June 30, 2005</i></b>	<b><i>157</i></b>
	<b><i>August 16, 2005</i></b>	<b><i>175</i></b>
	<b><i>March 7, 2006</i></b>	<b><i>12, 85</i></b>
	<b><i>June 30, 2006</i></b>	<b><i>103</i></b>
	<b><i>August 14, 2006</i></b>	<b><i>246</i></b>
	<b><i>December 19, 2006</i></b>	<b><i>298, 313, 324</i></b>
	<b><i>March 6, 2007</i></b>	<b><i>30, 70, 71</i></b>
	<b><i>March 20, 2007</i></b>	<b><i>12, 203, 205</i></b>
	<b><i>May 1, 2007</i></b>	<b><i>12, 101, 159</i></b>
		<b><i>298, 313, 324</i></b>
	<b><i>July 17, 2007</i></b>	<b><i>293</i></b>
	<b><i>August 21, 2007</i></b>	<b><i>160</i></b>
	<b><i>September 4, 2007</i></b>	<b><i>135</i></b>
	<b><i>June 3, 2008</i></b>	<b><i>205</i></b>
		<b><i>Bufferyards</i></b>
		<b><i>Single Wide MH</i></b>
		<b><i>Communication Towers</i></b>
		<b><i>Bainbridge</i></b>
		<b><i>Double Wide MH</i></b>
		<b><i>Dwelling (Employee)</i></b>
		<b><i>Mineral Extraction (MEA)</i></b>
		<b><i>Limited Dev. Area (LDA)</i></b>
		<b><i>Animal Husbandry</i></b>
		<b><i>Industrial Auction House</i></b>
		<b><i>Buffer Requirements</i></b>
		<b><i>Double Wide MH</i></b>
		<b><i>Ag Product Sales</i></b>
		<b><i>Greenways</i></b>
		<b><i>Right to Farm, Historic. District</i></b>
		<b><i>Communication Towers</i></b>
		<b><i>Signs</i></b>
		<b><i>Bed &amp; Breakfast</i></b>
		<b><i>Abandoned Boat</i></b>
		<b><i>Landscape Requirements</i></b>
		<b><i>Institutional Uses</i></b>
		<b><i>Definitions, NAR, SAR</i></b>
		<b><i>Density Provisions</i></b>
		<b><i>Penalties, Variances</i></b>
		<b><i>Golf Courses</i></b>
		<b><i>Shared Facilities</i></b>
		<b><i>Conference Centers</i></b>
		<b><i>Racing Tracks</i></b>
		<b><i>Transfer of Dev. Rights</i></b>
		<b><i>Board of Appeals</i></b>
		<b><i>Manufactured Homes</i></b>
		<b><i>Critical Area</i></b>
		<b><i>Campgrounds, Storage Trailers</i></b>
		<b><i>Decision dates</i></b>
		<b><i>Property Disclosure</i></b>
		<b><i>Neighborhood Essntl. Services</i></b>
		<b><i>Motor Vehicle Filling Station</i></b>
		<b><i>Municipal Growth Allocation</i></b>

*(list of amendments continued on following page)*

(continued from previous page)

## **CECIL COUNTY ZONING ORDINANCE**

<b><u>Amended</u></b>	<b><u>Section</u></b>	<b><u>Amendment Type</u></b>
<i>June 17, 2008</i>	<i>67, 153, 154, 197.7</i>	<i>Min Extraction, Rubble Landfill Sanitary Landfill, Critical Area</i>
<i>July 22, 2008</i>	<i>Article XI, Part 1 65, 291</i>	<i>Critical Area District Greenhouses, Major Site Plans</i>
<i>March 17, 2009</i>	<i>161</i>	<i>Video Lottery Facility</i>
<i>August 18, 2009</i>	<i>84, 340</i>	<i>Bed &amp; Breakfast, Penalties</i>
<i>February 16, 2010</i>	<i>67, 153, 154, 197.7</i>	<i>Min Extraction, Rubble Landfill Sanitary Landfill, Critical Area</i>
<i>March 16, 2010</i>	<i>180</i>	<i>Subdivision Agreements</i>

***Board of County Commissioners of Cecil County:***

***W. Edwin Cole, Jr.***

***A. Marie Cleek***

***Grayson L. Abbott, Jr.***

# CECIL COUNTY ZONING ORDINANCE

## Table of Contents

### ARTICLE I

#### TITLE AND PURPOSE ..... 1

Section 1.	Short Title .....	1
Section 2.	Authority .....	1
Section 3.	Intent/Authority.....	1
Section 4.	Right to Farm Ordinance .....	3
Section 5.	Jurisdiction.....	3.3
Section 6.	Interpretation.....	3.3
Section 7.	Severability .....	5
Section 8.	No Use or Sale of Land or Buildings Except in Conformity with Ordinance Provisions.....	5
Section 9.	Fees .....	5
Section 10.	Reserved.....	5
Section 11.	Reserved.....	5

### ARTICLE II

#### BASIC DEFINITIONS AND INTERPRETATIONS..... 6

##### Part I Definitions..... 6

Section 12.	Definitions of Basic Terms .....	6
-------------	----------------------------------	---

##### Part II Zoning Maps..... 38

Section 13.	Official Zoning Maps.....	38
Section 14.	Replacement of Official Zoning Maps .....	38
Section 15.	Location and Boundaries of Zones .....	38
Section 16.	Official Floodplain Maps.....	40
Section 17.	Mineral Extraction Zone B - (MEB) Map Interpretation.....	40
Section 18.	Amendments to the Official Zoning Maps .....	41
Section 19.	Reserved.....	41
Section 20.	Reserved.....	41

## ARTICLE III

<b>ZONING DISTRICTS</b> .....	42
Section 21. Districts Established.....	42
<b>Part I Agricultural-Residential Districts</b> .....	42
Section 22. NAR - Northern Agricultural-Residential District .....	42
Section 23. SAR - Southern Agricultural-Residential District .....	44
<b>Part II Residential Districts</b> .....	46
Section 24. RR - Rural Residential District .....	46
Section 25. SR - Suburban Residential District .....	48
Section 26. DR - Development Residential District .....	50
Section 27. TR - Town Residential District.....	51
Section 28. VR - Village Residential District.....	54
Section 29. RM - Multifamily Residential District.....	55
Section 30. MH - Manufactured Home District.....	59
<b>Part III Commercial/Business Districts</b> .....	60
Section 31. BL - Business - Local District .....	60
Section 32. BG - Business - General District .....	61
Section 33. BI - Business - Intensive District.....	62
Section 34. MB - Maritime - Business District.....	63
<b>Part IV Industrial Districts</b> .....	64
Section 35. M1 - Light - Industrial District .....	64
Section 36. M2 - Heavy - Industrial District.....	65
<b>Part V Resource Protection and Resource Utilization Districts</b> .....	66
Section 37. OS - Open Space District.....	66
Section 38. MEA - Mineral Extraction A District .....	66
Section 39. BSU - Bainbridge Special Use.....	68
<b>Part VI Other Zoning Districts</b> .....	69
Section 40. Floating Zones .....	69
Section 41. Special Overlay Districts .....	70
Section 42. Reserved.....	70
Section 43. Reserved.....	70
Section 44. Reserved.....	70

## **ARTICLE IV**

### **PERMISSIBLE USES ..... 71**

Section 45.	Permitted Uses .....	71
Section 46.	Use of the Designations P, SE, SC and PC in the Table of Permissible Uses.....	71
Section 47.	No More Than One Principal Structure on a Lot.....	71
Section 48.	Permitted Uses in Yards.....	72
Section 49.	Accessory Buildings and Uses.....	73
Section 50.	Fences and Walls .....	74
Section 51.	Temporary Buildings and Uses for Construction Purposes.....	74
Section 52.	Permissible Uses Not Requiring Permits .....	75
Section 53.	Change in Use .....	75
Section 54.	Permissible Uses Tables .....	75
Section 55.	Reserved.....	76
Section 56.	Reserved.....	76

## **ARTICLE V**

### **SPECIFIC SUPPLEMENTARY USE REGULATIONS..... 77**

#### **Part I        Agricultural Uses ..... 77**

Section 57.	Agricultural Equipment Sales (1.01.200) .....	77
Section 58.	Animal Husbandry (1.01.300) .....	77
Section 59.	Slaughterhouses (1.01.400).....	78
Section 60.	Roadside Stand (1.01.500).....	79
Section 61.	Commercial Stables (1.01.600).....	79
Section 62.	Topsoil/Mulch/Aggregate Sales (1.05.000).....	79
Section 63.	Farmers Market (1.06.000) .....	79
Section 64.	Livestock Market (1.07.000).....	80
Section 65.	Greenhouses with On-Premises Sales Permitted (1.09.000) .....	80
Section 66.	Kennels, Commercial (1.10.000).....	81

#### **Part II        Mineral Extraction Uses..... 81**

Section 67.	Mineral Extraction (2.00.100).....	81
Section 68.	Mineral Processing (2.00.200).....	83

#### **Part III       Residential Uses..... 84**

Section 69.	Dwelling - Detached (3.01.100).....	84
Section 70.	Dwelling - Manufactured Home - Double-wide (3.01.200) .....	84
Section 71.	Dwelling - Manufactured Home - Single-wide (3.01.300).....	85

Section 72.	Dwelling - Duplex (3.02.100).....	85
Section 73.	Dwelling - Semi-Detached (3.02.200).....	85
Section 74.	Dwelling with Accessory Apartment (3.02.300).....	86
Section 75.	Dwelling - Townhouse (3.03.100).....	86
Section 76.	Dwelling - Apartment (3.03.200).....	87
Section 77.	Dwelling - Apartment Conversion (3.03.300).....	87
Section 78.	Manufactured Home Park (3.04.000).....	87
Section 79.	Home occupations (3.05.000).....	89
Section 80.	Day Care Center, Group (3.06.220).....	89
Section 81.	Halfway House (3.06.300).....	90
Section 82.	Retirement Housing Complex (3.06.400).....	90
Section 83.	Boarding Houses (3.07.100).....	90
Section 84.	Bed and Breakfast (3.07.200).....	91
Section 85.	Conference Centers (3.07.300).....	91
Section 86.	Hotels (3.08.000).....	92
Section 87.	Motels (3.09.000).....	92
<b>Part IV</b>	<b>Institutional Uses.....</b>	<b>93</b>
Section 88.	Schools, Private (4.01.100).....	93
Section 89.	Trade and Vocational Schools (4.01.200).....	93
Section 90.	Private Clubs (4.04.000).....	93
Section 91.	Hospitals (4.05.100).....	94
Section 92.	Nursing Care Facility (4.05.200).....	94
Section 93.	Cemeteries (4.06.120).....	95
Section 94.	Crematorium (4.06.200).....	95
<b>Part V</b>	<b>Recreation, Amusement, Entertainment Uses.....</b>	<b>95</b>
Section 95.	Indoor Recreation (5.01.000).....	95
Section 96.	Theater - Drive-in (5.01.200).....	96
Section 97.	Indoor Rifle or Pistol Ranges (5.01.300).....	96
Section 98.	Off-Track Betting (5.01.400).....	96
Section 99.	Coliseums and Stadiums (5.01.500).....	96
Section 100.	Privately-Owned Outdoor Recreation Facilities (5.02.000).....	97
Section 101.	Campgrounds and Recreational Vehicle Parks (5.05.000).....	97
Section 102.	Festivals or Events (5.06.000).....	99
Section 103.	Automobile and Motorcycle Racing Tracks (5.07.000).....	99
Section 104.	Go Cart Track (5.08.000).....	100
Section 105.	Amusement Parks (5.09.000).....	100
Section 106.	Golf Courses, Public (5.10.000).....	101
Section 107.	Golf Driving Ranges, not part of a golf course (5.11.000).....	101
Section 108.	Rifle and Pistol Ranges, War Games, Archery Ranges, Skeet Shooting Ranges, or Other Recreational Weapons, Outdoor (5.13.000).....	102

Section 109.	Swimming Pool, Commercial (5.14.000) .....	102
<b>Part VI</b>	<b>Emergency Services Uses .....</b>	<b>102</b>
Section 110.	Fire Stations with Assembly Hall (6.02.000).....	102
<b>Part VII</b>	<b>Public and Semi-public Facilities .....</b>	<b>103</b>
Section 111.	Airports (7.02.000).....	103
Section 112.	Helicopter Facilities (7.03.000) .....	103
Section 113.	Prisons (7.04.000) .....	104
<b>Part VIII</b>	<b>Utilities .....</b>	<b>104</b>
Section 114.	Electric Power, Gas Transmission and Telecommunications Buildings and Structures (8.02.000).....	104
Section 115.	Communication Towers (8.04.000) .....	105
<b>Part IX</b>	<b>Commercial Service Uses .....</b>	<b>105.1</b>
Section 116.	Commercial Service Establishments Less Than 5,000 Square Feet (9.01.000).....	105.1
Section 117.	Commercial Service Establishments Greater than 5,000 square feet (9.02.000).....	106
Section 118.	Office Building, Class A (9.03.100) .....	107
Section 119.	Office Building, Class C (9.03.300) .....	107
Section 120.	Banks, Drive-in (9.04.000) .....	107
Section 121.	Health Club (9.06.000) .....	107
Section 122.	Funeral Parlors (9.08.000) .....	108
Section 123.	Animal Hospitals (9.09.000).....	108
<b>Part X</b>	<b>Commercial Retail and Wholesale Uses .....</b>	<b>108</b>
Section 124.	Commercial Retail Establishments Less Than 5,000 Square Feet (10.01.000).....	108
Section 125.	Commercial Retail Establishments Greater than 5,000 square feet (10.02.000).....	110
Section 126.	Adult Bookstore and/or Entertainment Center (10.03.000).....	110
Section 127.	Alcoholic Beverage Sales/Liquor Store (10.04.000) .....	110
Section 128.	Antique Shops (10.05.000) .....	110
Section 129.	Auction Houses (10.06.000) .....	110
Section 130.	Shopping Center (10.11.000).....	111
Section 131.	Restaurants, Standard (10.12.100).....	111
Section 132.	Restaurants, Carry-Out/Delivery (10.12.200).....	111.1

Section 133.	Restaurants, Drive-thru or Fast Food (10.12.300) .....	112
Section 134.	Taverns (10.12.400) .....	112
<b>Part XI</b>	<b>Motor Vehicle Related Sales and Service Uses</b> .....	<b>113</b>
Section 135.	Motor Vehicle Filling Station (11.02.000) .....	113
Section 136.	Motor Vehicle Rental (11.03.000) .....	113
Section 137.	Motor Vehicle Repair and Maintenance (11.04.000) .....	113
Section 138.	Salvage Yards (11.05.000) .....	114
Section 139.	Towing Services (11.06.000) .....	115
Section 140.	Travel Trailer (11.07.000) .....	115
Section 141.	Storage Trailer Facility (11.09.000) .....	115
Section 142.	Bus Storage (11.10.000) .....	116
<b>Part XII</b>	<b>Industrial Uses</b> .....	<b>116</b>
Section 143.	Light Industrial Use (12.01.200) .....	116
Section 144.	Sawmills (12.05.000) .....	117
Section 145.	Winery (12.06.000) .....	118
Section 146.	Concrete and Asphalt Plant (12.08.000) .....	118
Section 147.	Mini-Storage (12.12.000) .....	118
Section 148.	Non-Automotive Fuel Sales or Storage (12.13.000) .....	119
Section 149.	Research and Development Facilities (12.14.000) .....	119
Section 150.	Petroleum Products Recycling Facilities (12.15.200) .....	120
Section 151.	Hazardous Waste Recycling Facility (12.15.300) .....	120
Section 152.	Hazardous Waste Incineration Facility (12.15.400) .....	120
Section 153.	Rubble Landfill (12.15.500) .....	121
Section 154.	Sanitary Landfill (12.15.600) .....	124
Section 155.	Sludge Handling (12.15.700) .....	125
Section 156.	Power Generating Facilities (12.16.000) .....	129
Section 157.	Public Golf Courses, privately owned Golf Courses, and public and privately owned golf courses approved as part of some residential development .....	129
Section 158.	Agricultural Product Sales (1.01.110) .....	130
Section 159.	Storage Trailer or Container (11.08.000) .....	130
Section 160.	Neighborhood Essential Services .....	130
Section 161.	Video Lottery Facility .....	130.1
Section 162.	Reserved .....	130.2
Section 163.	Reserved .....	130.2
Section 164.	Reserved .....	130.2
<b>ARTICLE VI</b>		
<b>SCHEDULE OF ZONE REGULATIONS</b> .....		<b>131</b>

(amended 5/1/07, 8/21/07, and 3/17/09)



## **ARTICLE VII**

### **DENSITY AND DIMENSIONAL REGULATIONS .....132**

Section 165.	Minimum Lot Size, Density and Yard Requirements.....	132
Section 166.	Maintenance of Required Minimum Yards, Open Space and Lot Area.....	132
Section 167.	Building Yard/Area Requirements .....	132
Section 168.	Building Height Limitations .....	133
Section 169.	Structure Limits Over Water.....	133
Section 170.	Setback Modification.....	134
Section 171.	Road Frontage Waivers.....	134
Section 172.	Reserved.....	134
Section 173.	Reserved.....	134

## **ARTICLE VIII**

### **SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS .....135**

## **ARTICLE IX**

### **ENVIRONMENTAL STANDARDS AND OPEN SPACE.....136**

Section 174.	Environmental Standards for all Subdivisions and Development Requiring Site Plan Approval .....	136
Section 175.	Community Sewerage System.....	137
Section 176.	Provision of Common Open Space.....	138
Section 177.	Common Open Space Requirement.....	139
Section 178.	Common Open Space - Ownership.....	139
Section 179.	Management of Common Open Space Property .....	140
Section 180.	Bond for Open Space Improvements.....	141
Section 181.	Flexibility in Administration Authorized.....	141
Section 182.	Greenways.....	141
Section 183.	Reserved.....	141

## **ARTICLE X**

### **LANDSCAPE REQUIREMENTS .....142**

Section 184.	Landscape Standards.....	142
Section 185.	Landscape Plan Required.....	142
Section 186.	Street Trees Requirements .....	142
Section 187.	Bufferyards .....	143
Section 188.	Bonding and Financial Security of Plantings.....	144
Section 189.	Modification to Bufferyards from Collector or Arterial Roadways .....	146
Section 190.	Reserved.....	146

<b>ARTICLE XI</b>	
<b>OVERLAY ZONES .....</b>	<b>147</b>
<b>Part I</b>	<b>Critical Area District .....</b>
	<b>147</b>
Section 191.	Statement of Intent, Purpose, Applicability and Findings Requirements .....
	147
Section 192.	Official Critical Area District Maps .....
	147
Section 193.	Density Provisions .....
	148
Section 194.	Nonconforming Development in the Critical Area District (Grandfathering Provisions) .....
	150
Section 195.	Special Yard Provisions for Buffer Exempted Areas .....
	151
Section 196.	Buffer Requirements .....
	153
Section 197.	General Regulations for Development and Land Use within the Critical Area District.....
	154
Section 198.	Water-Dependent Facility Requirements.....
	156
Section 199.	Development Standards in Intensely Developed Areas (IDA's).....
	161
Section 200.	Development Standards in Limited Development Areas (LDAs) .....
	163
Section 201.	Development Standards in Resource Conservation Areas (RCAs) .....
	166
Section 202.	Woodland Reforestation and Afforestation Standards .....
	166
Section 203.	Amendments in the Critical Area District .....
	169
Section 204.	Growth Allocation Floating Zone Amendments.....
	172
Section 205.	Growth Allocation (GA) District.....
	173
Section 206.	Award Process for Growth Allocation.....
	174
Section 207.	Project Point Scoring System Thresholds.....
	175
Section 208.	Point Criteria and Values .....
	177
Section 209.	Submission Requirements.....
	182
Section 210.	Procedure for Review of GA District Applications.....
	183
Section 211.	Special Growth Allocation District (SGA) .....
	186
Section 212.	Project Point Scoring System Exemptions of Growth Allocation.....
	187
Section 213.	Procedure for the Granting of Growth Allocation Floating Zones to Project Point Scoring System Exemptions.....
	187
Section 214.	Penalties .....
	188
Section 215.	Reserved.....
	188
<b>Part II</b>	<b>Mineral Extraction District B - MEB.....</b>
	<b>189</b>
Section 216.	Purpose.....
	189
Section 217.	Applicability .....
	189
Section 218.	Permitted Uses, Lot, Yard and Height Requirements.....
	189
Section 219.	Review Requirements and Conditions.....
	189
Section 220.	Mineral Extraction in the Chesapeake Bay Critical Area.....
	189
Section 221.	State and County Coordination.....
	189
Section 222.	Reserved.....
	190
Section 223.	Reserved.....
	190

<b>Part III</b>	<b>Floodplain District</b>	191
Section 224.	Purpose and General Provisions	191
Section 225.	Abrogation and Greater Restrictions	191
Section 226.	Applicability	191
Section 227.	Partial Invalidity and Severability	192
Section 228.	Disclaimer of Liability	192
Section 229.	Definitions	192
Section 230.	Permit Procedures	194
Section 231.	Subdivision Proposals	195
Section 232.	Issuance of Permit	196
Section 233.	Record of Permits	197
Section 234.	Conditioned Permits For Accessory Structures and Garages	197
Section 235.	Fees	197
Section 236.	Penalties	198
Section 237.	Identification of Flood Zones	198
Section 238.	Floodplain Zones	198
Section 239.	Floodplain Boundaries	198
Section 240.	Development Regulations in Floodplain Zones	199
Section 241.	Non-tidal and Tidal Floodplain Zones	201
Section 242.	Floodway	203
Section 243.	Specific Requirements for Floodplains/Floodways	205
Section 244.	Variances	210
<b>Part IV</b>	<b>Historic District</b>	212
Section 245.1	Purpose	212
Section 245.2	Authority to Establish	212
Section 245.3	Definitions	212.1
Section 245.4	Establishment of Historic District Commission	212.3
Section 245.5	Powers and Duties of the Historic District Commission	212.3
Section 245.6	Procedure for Designation of Historic Districts	212.5
Section 245.7	Notice	212.8
Section 245.8	Amendment and Rescinding Designation	212.8
Section 245.9	Certificate of Appropriateness	212.9
Section 245.10	Design Guidelines	212.9
Section 245.11	Applications	212.9
Section 245.12	Standards for Review	212.10
Section 245.13	Determination by Historic District Commission	212.10
Section 245.14	Denial	212.10
Section 245.15	Automatic Approval	212.10
Section 245.16	No Work to Commence without Approval	212.11
Section 245.17	Ordinary Maintenance – Completion of Work Under a Prior Permit	212.11

Section 245.18	Special Circumstances.....	212.11
Section 245.19	Demolition by Neglect.....	212.11
Section 245.20	Meetings to be Public.....	212.12
Section 245.21	Appeal.....	212.12
Section 245.22	Violations.....	212.12

<b>Part V</b>	<b>Transfer of Development Rights.....</b>	<b>212.13</b>
Section 246.	Transfer of Development Rights.....	212.13
Section 247.	Reserved.....	212.17

## **ARTICLE XII**

### **PLANNED UNIT DEVELOPMENT (PUD) .....213**

Section 248.	Planned Unit Development in General .....	213
Section 249.	Residential Density Provisions .....	213
Section 250.	Permitted Dwelling Types in PUDs.....	213
Section 251.	General Requirements.....	215
Section 252.	Business Establishments .....	215
Section 253.	Business Establishment Phasing.....	216
Section 254.	Lot Size, Lot Dimensions, Lot Coverage, Height, and Yard Requirements.....	216
Section 255.	Site Design Standards .....	216
Section 256.	Administrative Procedures.....	217
Section 257.	Reserved.....	217
Section 258.	Reserved.....	218

## **ARTICLE XIII**

### **SIGNS.....219**

Section 259.	General Requirements.....	219
Section 260.	Definitions.....	219
Section 261.	Signs Exempted From Regulation .....	222
Section 262.	Exempt Temporary Signs .....	223
Section 263.	Prohibited Signs.....	225
Section 264.	Permit Required for Signs.....	226
Section 265.	Sign Specifications.....	226
Section 266.	Off-Site Advertising Signs.....	227
Section 267.	Maintenance of Signs.....	228
Section 268.	Nonconforming Signs .....	229
Section 269.	Maximum Total Sign Area by Zoning District.....	229
Section 270.	Reserved.....	229
Section 271.	Reserved.....	229

## **ARTICLE XIV**

### **PARKING AND LOADING REQUIREMENTS .....230**

Section 272.	General.....	230
--------------	--------------	-----

Section 273.	General Parking Specifications.....	230
Section 274.	Residential Parking Specifications .....	232
Section 275.	Business/Industrial Parking Specifications.....	233
Section 276.	General Loading Specifications.....	233
Section 277.	Table of Parking and Loading Requirements .....	233
Section 278.	Reserved.....	233
Section 279.	Reserved.....	233

## **ARTICLE XV**

### **PERMITTING AND APPROVAL PROCESS .....234**

Section 280.	Approvals.....	234
Section 281.	Zoning Certificates and Building Permits.....	234
Section 282.	Adequate Public Facilities .....	235
Section 283.	Severability .....	235
Section 284.	Permit Application Requirements and Procedures .....	235
Section 285.	Reconsideration of Board Action.....	235
Section 286.	Maintenance of Common Areas, and Facilities.....	236
Section 287.	Records of Zoning Administrator .....	236
Section 288.	Structures and Uses to be as Provided in Building Permits, Plans, and Zoning Certificates.....	236
Section 289.	Sketch Plat .....	236
Section 290.	Minor Site Plans.....	237
Section 291.	Major Site Plans.....	237
Section 292.	Manufactured Home - Single Wide - Licenses.....	240
Section 293.	Property Disclosure and Hold Harmless Agreement.....	240
Section 294.	Reserved.....	240.1

## **ARTICLE XVI**

### **ADMINISTRATIVE MECHANISMS.....241**

#### **Part I Planning Commission .....241**

Section 295.	Planning Commission Established .....	241
Section 296.	Advisory Committees .....	243
Section 297.	Technical Advisory Committee .....	243

#### **Part II Board of Appeals.....244**

Section 298.	Board of Appeals Established.....	244
--------------	-----------------------------------	-----

#### **Part III Other Administrative Provisions.....246**

Section 299.	Zoning Administrator.....	246
--------------	---------------------------	-----

Section 300.	County Commissioners.....	247
Section 301.	Fees and Charges .....	247
Section 302.	Legal Counsel .....	248
Section 303.	Reserved.....	248
Section 304.	Reserved.....	248
 <b>ARTICLE XVII</b>		
<b>APPEALS, VARIANCES, INTERPRETATIONS, SPECIAL EXCEPTIONS, AMENDMENTS AND PROCEDURES .....</b>		<b>249</b>
<b>Part I</b>	<b>Appeals, Variances and Interpretations .....</b>	<b>249</b>
Section 305.	Appeals .....	249
Section 306.	Variances.....	249
<b>Part II</b>	<b>Special Exceptions.....</b>	<b>252</b>
Section 307.	Initiation of Special Exceptions .....	252
Section 308.	Application for Special Exception .....	252
Section 309.	Hearing on Application.....	253
Section 310.	Authorization .....	253
Section 311.	Standards - General.....	253
Section 312.	Conditions and Guarantees .....	254
Section 313.	Approval of Special Exceptions.....	254
Section 314.	Revocation .....	255
Section 315.	Pre-existing Special Exception Use .....	255
<b>Part III</b>	<b>Hearing Procedures for Appeals, Variances, Special Exceptions or Petitions of Revocation .....</b>	<b>256</b>
Section 316.	Hearing Required on Appeals and Applications.....	256
Section 317.	Notice of Hearing.....	256
Section 318.	Evidence.....	257
Section 319.	Modification of Application at Hearing.....	257
Section 320.	Record.....	257
Section 321.	Written Decision .....	258
<b>Part IV</b>	<b>Amendments .....</b>	<b>258</b>
Section 322.	Amendments In General .....	258
Section 323.	Initiation of Amendments .....	258
Section 324.	Hearing Required; Notice .....	258
Section 325.	Planning Commission Consideration of Proposed Amendments .....	259
Section 326.	Board of County Commissioners Action on Amendments.....	260

Section 327.	Reserved.....	261
Section 328.	Reserved.....	261

## **ARTICLE XVIII**

### **NONCONFORMING SITUATIONS .....262**

Section 329.	Intent .....	262
Section 330.	Continuation of Nonconforming Situations and Completion of Non-conforming Projects .....	262
Section 331.	Nonconforming Lots .....	262
Section 332.	Extension or Enlargement of Nonconforming Situations .....	263
Section 333.	Repair, Maintenance, Reconstruction .....	263
Section 334.	Abandonment and Discontinuance of Nonconforming Situation .....	263
Section 335.	Reserved.....	263
Section 336.	Reserved.....	263

## **ARTICLE XIX**

### **ENFORCEMENT AND REVIEW .....264**

Section 337.	Complaints Regarding Violations .....	264
Section 338.	Persons Liable .....	264
Section 339.	Procedures Upon Discovery of Violations .....	264
Section 340.	Penalties and Remedies for Violations .....	266
Section 341.	Permit Revocation.....	266
Section 342.	Computation of Time .....	266
Section 343.	Judicial Review .....	267
Section 344.	Reserved.....	267
Section 345.	Reserved.....	267

## **APPENDICES**

Appendix A	Information Required for Applications
Appendix B	Standards for Bufferyard Design
Appendix C	Alphabetical Listing of Uses

## **ARTICLE I            TITLE AND PURPOSE**

### **Section 1.      Short Title**

This Ordinance shall be known, cited, and referred to as the Cecil County Zoning Ordinance.

### **Section 2.      Authority**

This Ordinance is enacted under the authority granted by the General Assembly of Maryland, as provided in Article 66B, Annotated Code of Maryland, as amended.

### **Section 3.      Intent/Authority**

- 1.**      This Ordinance is intended to promote the orderly development of Cecil County, Maryland, in accordance with the Cecil County Comprehensive Plan, as amended, or any of the component parts thereof and in compliance with Article 66B, Code of Public General Laws of Maryland, and Natural Resources Article 8-1808 (d), as amended.
- 2.**      The basic objective of this Ordinance is to provide the means to implement the Comprehensive Plan of Cecil County, as amended, and its purpose shall be interpreted as including the following:
  - a.**      To make the most appropriate and balanced use of land throughout the County to the extent that both economic development and the conservation of natural resources and the environment is encouraged.
  - b.**      To preserve the character and appearance of neighborhoods and to maintain property values generally throughout the County.
  - c.**      To preserve the agricultural economy of the County by discouraging conversion of cropland, pastureland, and woodlands to urban uses, and to maintain farming activities without interference from other land uses.
  - d.**      To conserve natural resources.
  - e.**      To secure safety from fire, panic, flood, and other dangers.
  - f.**      To minimize traffic congestion on streets and roads, and to provide adequate off-street parking and loading facilities.
  - g.**      To provide adequate light, air, and open space, to insure adequate recreation opportunities, and to provide convenience of access to property.



- h.** To concentrate development in areas suitable for growth as designated in the Cecil County Comprehensive Plan, as amended.
  - i.** To create and preserve an environment conducive to healthful and safe living conditions.
  - j.** To make adequate provision for transportation, water and sewer, schools, police and fire protection, and other public facilities, and to economize on the costs of such public facilities by a careful phasing of development with efficient provision of public improvements.
  - k.** To regulate the intensity of land use; to fix reasonable standards to which structures and uses shall conform; and to prohibit uses and structures incompatible with the character of development or the permitted uses within specified zones.
  - l.** To protect sensitive areas, to control erosion of the land and to protect the waters in and adjacent to the County from excessive sedimentation and from pollution by pesticides, fertilizers, and liquid or solid effluent.
  - m.** To define the powers and duties of administrative officials and bodies in the administration and enforcement of this Ordinance, to establish penalties for violations and to provide for amendments.
  - n.** To protect environmentally sensitive areas from unnecessary disturbance.
- 3.** It is also the objective of this Ordinance to implement the “Visions” contained in the Maryland Economic Growth, Resource Protection and Planning Act, namely:
- a.** Development is concentrated in suitable areas.
  - b.** Sensitive areas are protected.
  - c.** In rural areas, growth is directed to existing population centers and resource areas are protected.
  - d.** Stewardship of the Chesapeake Bay and the land is a universal ethic.
  - e.** Conservation of resources, including a reduction in resource consumption, is practiced.
  - f.** To assure the achievement of a through e above, economic growth is encouraged and regulatory mechanisms are streamlined.

- g.** Funding mechanisms are in place to achieve all other visions.
- 4.** The regulations and provisions contained in this Zoning Ordinance, except Article XI, Part I, were adopted and became effective July 1, 1993. The regulations and provisions contained Article XI, Part I, Critical Area District were adopted and became effective on January 4, 1994.

## Section 4. Right to Farm Ordinance

It is the intent of this Ordinance to preserve and encourage the business of agriculture and the agricultural economy of the County and to maintain farming activities without interference from other land uses. In accordance with these intentions, the following provisions for the protection of agricultural uses will apply:

1. Agricultural use of land is permitted.
2. Operation, at any time, of machinery used in farm production or the primary processing of agricultural products is permitted.
3. Customary agricultural activities and operations in accordance with Best Management Practices (see Appendix D) as established by the Cecil Soil Conservation District and the University of Maryland Cooperative Extension Service, which do not cause bodily injury or endanger human health, are permitted, including activities which may produce normal agriculturally related noise and odors.
4. If an agricultural operation is in compliance with applicable federal, state, and local health, environmental, zoning, and permit requirements relating to any nuisance claim and is not conducted in a negligent manner:
  - a. The operation, including any noise, odors, dust, or insects from the operation, may not be deemed to be a public or private nuisance; and
  - b. A private action may not be sustained on the grounds that the operation interferes or has interfered with the use and enjoyment of other property, whether public or private. Notwithstanding any other provision of this section, no action alleging an agricultural operation has interfered with the reasonable use or enjoyment of real property or personal well being shall be maintained if the plaintiff has not sought arbitration through the Agricultural Reconciliation Committee.
  - c. This section does not create, and may not be construed as creating, a new cause of action or substantive legal right against a person who is engaged in an agricultural operation.
  - d. This section does not affect, and may not be construed as affecting, any defenses available at common law to a defendant who is engaged in an agricultural operation and subject to an action for nuisance.

5. Notice shall be provided on the plat of all subdivisions that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of this section are being complied with.
6. Upon execution of a sales contract, the transferor shall provide the purchaser or lessee a statement specifically advising the purchaser or lessee of the existence of this right to farm ordinance.
7. The establishment of buffer zones has been created in this Ordinance to protect the abutting agricultural operations from the impact of residential subdivisions hereafter approved. (see Appendix B, Bufferyard A)
8. Resolution of Disputes and Procedures for Complaints
  - a. Nuisances which affect public health
    1. A person may complain to the Cecil County Health Department to declare that a nuisance which affects public health exists.
    2. The health officer shall investigate all complaints received against an agricultural operation. The health officer shall consult with Cecil Soil Conservation District and the University of Maryland Cooperative Extension Service in determining whether the agricultural operation is being conducted in accordance with this section.
    3. After the health officer has completed his investigation, he will report his findings to the Agricultural Reconciliation Committee, to aid in their determination as to the existence of a nuisance.
    4. Controversy arising in regard to the interference in the use and enjoyment of property from an agricultural operation shall be taken to the Agricultural Reconciliation Committee.
    5. The Agricultural Reconciliation Committee shall arbitrate and mediate disputes involving agricultural operations and issue opinions on whether such agricultural operations are conducted in a manner consistent with this section.
    6. The Agricultural Reconciliation Committee shall consist of five (5) members appointed by the Board of County Commissioners. Two (2) members shall be from the agricultural community, one (1) member shall be from the Cecil County Board of Realtors, and one (1) member shall be from a homeowners' association, one (1) member shall be an at-large citizen of Cecil County. The Board of County Commissioners shall also appoint an alternate member to attend in the absence of a regular member.
    7. Decisions of the Agricultural Reconciliation Committee may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure.

**REAL ESTATE TRANSFER DISCLOSURE STATEMENT**

THIS DISCLOSURE STATEMENT CONCERNS REAL PROPERTY LOCATED IN CECIL COUNTY, MARYLAND, DESCRIBED AS

THIS STATEMENT IS A DISCLOSURE OF THE EXISTENCE OF THE CECIL COUNTY RIGHT TO FARM ORDINANCE IN COMPLIANCE WITH ARTICLE I, SECTION 4, OF THE CECIL COUNTY ZONING ORDINANCE.

**BUYER'S INFORMATION**

You are hereby advised that you are purchasing a parcel of ground in a rural area. Under Cecil County law, agricultural use of the land is permitted. Agricultural uses often include the use of heavy farm equipment that may occasionally operate at night or in early morning hours, as well as during the day time, and may also occasionally be on local roads causing a slowing of traffic. An agricultural operation may also involve other noises, dust, crop, spraying, and offensive odors from animal waste or manures. In addition, agricultural uses sometimes require the spraying of pesticides or herbicides. Certain offensive weeds and insects are sometimes found in or around agricultural operations.

I HAVE READ THIS DISCLOSURE STATEMENT AND UNDERSTAND THAT CECIL COUNTY HAS DETERMINED THAT INCONVENIENCES OR DISCOMFORTS ASSOCIATED WITH AGRICULTURAL OPERATIONS SHALL NOT BE CONSIDERED TO BE AN INTERFERENCE WITH THE REASONABLE USE AND ENJOYMENT OF LAND IF SUCH OPERATIONS ARE CONDUCTED IN ACCORDANCE WITH GENERALLY ACCEPTED AGRICULTURAL BEST MANAGEMENT PRACTICES.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Subdivision

\_\_\_\_\_  
Lot Number

## **Section 5. Jurisdiction**

This Ordinance shall be effective throughout the County's planning jurisdiction. The County's planning jurisdiction comprises all the unincorporated area of Cecil County, Maryland except those federal lands exempted by public law.

## **Section 6. Interpretation**

- 1.** The regulations set by this Ordinance within each district shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, environment and natural resources, and general welfare, and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.
- 2.** It is not intended by this Zoning Ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law, Ordinance or resolution, or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or with

any private restrictions placed upon property by covenant, deed, or recorded plat. However, where this Zoning Ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires greater lot areas, larger yards, or other open spaces than are imposed or required by such existing provisions of law, Ordinance, or resolution, or by such rules, regulations, or permits, or by such private restrictions, the provisions of this Zoning Ordinance shall control.

3. Whenever these regulations, subdivision plats, or development plans approved in conformance with these regulations, are in conflict with other local Ordinances, regulations, or laws, the more restrictive Ordinance, regulation, law, plat, or plan shall govern and shall be enforced by appropriate local agencies. When subdivision and development plans, approved by the Planning Commission, contain setback or other features in excess of the minimum Zoning Ordinance requirements, such features as shown on the approved plan shall govern and shall be enforced by the local permit official. Private deed restrictions or private covenants for a subdivision, which have not been approved by the Planning Commission and made a part of the approved subdivision plan, do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the permit official. Conditions imposed by the Planning Commission and so noted on the record subdivision plat shall be enforced under Section 340 and any violations of such conditions shall be considered a violation of this Ordinance.
4. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal safety, pollution control or environmental protection law or regulation.
5. Nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or premises on which an application for a certificate or permit was filed with the County prior to the date of adoption of this Ordinance or amendment thereto, providing that the application meets all zoning and other requirements in effect on the date of said application. The issuance of said certificate or permit shall be valid only if it is exercised within one (1) year from the date of issuance of the certificate or permit. "Exercised", as set forth in this section, shall mean that binding contracts for the construction of the main building or other main improvement have been executed, or in the absence of contracts, that the main building or other main improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investments shall be under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit or certificate.

## **Section 7. Severability**

It is hereby declared to be the intention of the County Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgement or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

## **Section 8. No Use or Sale of Land or Buildings Except in Conformity with Ordinance Provisions**

1. Subject to Article XV of this Ordinance, no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this Ordinance.
2. For the purposes of this section, the "use" or "occupancy" of a building or lands relates to anything and everything that is done to, on, or in that building or land.

## **Section 9. Fees**

Fees established in accordance with Cecil County procedures shall be paid upon submission of a signed application or notice of appeal, unless otherwise determined by the Zoning Administrator.

## **Section 10. Reserved**

## **Section 11. Reserved**

## **ARTICLE II            BASIC DEFINITIONS AND INTERPRETATIONS**

### **Part I            Definitions**

#### **Section 12.    Definitions of Basic Terms**

Unless otherwise specifically provided, or unless clearly defined by the context, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance.

To amplify and clarify all provisions of this Ordinance, the following rules shall apply:

1.     The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2.     The words "used" or "occupied" include the words "designed", or "arranged to be used or occupied".
3.     Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number, unless the obvious construction of the wording indicates otherwise.
4.     The word "shall" is mandatory and not discretionary.
5.     The word "may" is permissive.
6.     The word "lot" shall include the words "piece", "parcel" and "plots"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for" and "occupied for".
7.     All "measured distances" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the "integral foot" next above shall be taken.

*Abandoned Vehicle.* Scrap or discarded vehicles, including unlicensed, unregistered, wrecked, abandoned, scrapped, unused, inoperable or dismantled motor vehicles or motor vehicle parts.

*Abutting.* Having property lines in common; e.g., two lots are abutting if they share a common property line.

*Accessory Structure* - a detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure, e.g., a shed or detached garage.

*Accessory Use.* A use which is clearly incidental and subordinate to a principal use of a structure and which is on the same lot or on a contiguous lot under the same ownership. (See Section 49.)

*Activity.* Any business, industry, trade, occupation, vocation, profession, or other use conducted or carried on either within a building or covered area, or outdoors on any tract or parcel of land. For zoning purposes, an activity shall be considered separately from any building or structure in which such activity may be conducted.



*Adjacent.* Having property lines directly across a road or right-of-way or abutting one another.

*Administrator, Zoning.* The administrative officer or his agent responsible for the administration and enforcement of this Ordinance (See Section 299).

*Adult Bookstore/Adult Entertainment Center.* An establishment the principal use of which is to offer for sale or viewing books, related paraphernalia, magazines, printed material, films, tapes, peep shows and live acts which depict, describe or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

Specified Sexual Activities are defined as:

- a. Human Genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified Anatomical areas are defined as:

- a. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

*Afforestation.* The establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas that are not presently in forest cover.

*Agricultural Product Sales.* The retail and wholesale sale of products essential to agricultural and aquaculture operations, including feed and grain, fertilizer, plants and seeds, larvae, turf, trees and shrubs, and field crops and shall not include equipment sales.

*Agriculture.* Agriculture, including horticultural, chemical, or general farming, cultivation of field crops, orchards, groves, greenhouses, or nurseries for growing or propagation of plants, turf, trees, and shrubs, and in general all uses commonly classed as agricultural, and including use of heavy cultivating machinery, spray planes, or irrigating machinery, dairy farming, keeping or raising for sale of large or small animals, including structures for processing and sale of products raised on the premises.

*Airport.* An area of land, installation or facility from which aircraft may take off or land, discharge or receive cargo or passengers, are repaired, take on fuel, are stored, including hangars, terminal or accessory activities.

*Alteration.* A physical change in a building, structure or land. An alteration includes an addition, projection into yards, or change from one type of use to another.

*Alley.* A right-of-way that provides secondary service access for vehicles to the side or rear of abutting properties.

*Amend or amendments.* Any change, addition, or modification to the provisions of this ordinance, or to the official zoning map, which is adopted by the Board of County Commissioners pursuant to the procedures set forth in Article XVII, Part IV herein.

*Amusement Park.* A commercially operated park with various devices for entertainment.

*Anadromous Fish.* Fish that travel upstream (from their primary habitat in the ocean) to fresh water in order to spawn.

*Animal Hospital.* A building or premises for the medical or surgical treatment of domestic animals or pets, including veterinary hospitals.

*Animal Husbandry.* The raising, boarding, and/or sale of domestic animals other than dogs or cats.

*Antenna.* Equipment designed to transmit or receive electronic signals.

*Apartment.* A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by one or more individuals.

*Aquaculture.* The farming or culturing of finfish, shellfish, other aquatic plants or animals, or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments. Activities include the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation methods include, but are not limited to, seed or larvae development and growout facilities, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing and product storage facilities are not considered aquacultural practices.

*Auction House.* Establishment for the public sale of property to the highest bidder.

*Base Flood.* The 100-year frequency flood event as indicated in the Flood Insurance Study, as amended, the elevation of which is used for regulatory purposes in this Ordinance.

*Bed and Breakfast Home.* A building that contains a dwelling unit and guest rooms where the guests receive a room and one meal per day. Bed and breakfast home means a single-family,

dwelling with an owner and or manager on site that may provide food and non-alcoholic and alcohol beverage service for the guests and their guests only. Bed and Breakfast homes may host events such as weddings, small business meetings and conferences.

*Best Management Practices (BMPs).* Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxic substances, and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

*Block.* That property abutting one side of a street and lying between the two nearest intersecting or intercepting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river, or live stream, or between any of the foregoing and any other barrier to the continuity of development.

*Boarding House.* A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a bed and breakfast home or a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

*Board of Appeals.* A Board established by the Cecil County Commissioners which is authorized to grant special exceptions and variances to this ordinance, and to hear certain appeals from administrative decisions.

*Boat, Abandoned.* Any vessel that does not have a valid Maryland use sticker displayed on or about the forward half of the vessel and does not have a valid Maryland certificate of number displayed that has remained without permission for more than thirty (30) days on public property, or any vessel that has remained outside a building for more than one hundred eighty (180) days on private property. Boats displaying a valid number issued by the federal government or another state shall not be considered abandoned. Boats being actively restored, rehabilitated, and or built shall not be considered abandoned.

*Buffer (spelled with a capital B).* A naturally vegetated area or vegetated area established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances. In the Critical Area District, the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the Mean High Water Line), tributary streams in the Critical Area, and tidal wetlands and has a minimum depth of one hundred and ten (110) feet. The Buffer shall be expanded beyond the minimum depth to include certain sensitive areas as per requirements established in the Zoning Ordinance.

*Buffer Management Plan.* A plan designed and intended to describe methods and means used to protect, manipulate and utilize the Buffer which provides multiple benefits.

*Buffer Exemption Area.* Those areas of the County otherwise within the designated Buffer described herein that are largely or totally developed or that include undeveloped lots of record in single ownership that are 200 feet deep or less, excluding tidal wetlands, the development of which is grandfathered under the provisions of the Cecil County Critical Area Program and Zoning Ordinance.

*Bufferyard.* A unit of land, together with a specified type and amount of planting thereon, and any structures, which may be required between land uses to eliminate or minimize conflicts between them.

*Building.* Any structure, temporary or permanent, having a roof and designed for shelter or enclosure of any person, animal or property of any kind. Excluded are storage tanks, outdoor processing or testing equipment, and other structures as determined by the Zoning Administrator.

*Building, Accessory.* A minor building that is located on the same lot as a principal building and is used incidentally to a principal building or houses an accessory use.

*Building Coverage.* The amount of land covered or permitted to be covered by a building or structure measured in terms of percentage of the lot, tract, or parcel.

*Building Envelope.* The area formed by the building setback lines of a lot, within which any buildings must be located unless otherwise permitted by this Ordinance.

*Building, floor area of.* The total number of square feet area in a building, excluding basements, uncovered steps, and uncovered porches, but including the total floor area of accessory buildings on the same lot.

*Building, Main.* The principal structures housing the principal use on the lot.

*Building Permit.* A permit issued by the Office of Permits and Inspections that authorizes the recipient to construct a specific structure or structures.

*Building, Principal.* The primary building on a lot or a building that houses a principal use.

*Building Set Back Line.* A line drawn parallel to a property or boundary line at a distance equal to the minimum depth of the required yard for the district in which the property is located.

*Business Service.* A business that provides services primarily to other businesses as opposed to the general public.

*Bus Storage.* A facility where two (2) or more buses are stored, parked, or serviced, and which may include dispatching.

*Campgrounds.* Any area or tract of land owned by a single entity, or any area or tract of land subdivided as a campground prior to 1980 whereby units could be transferred to various owners to be used as a campground, on which accommodations for temporary and not year round occupancy are located or may be placed, including cabins, tents, recreational vehicles, and campers which are primarily used for recreational purposes and retains an open air or natural character.

*Canopy.* A roof-like structure of a permanent nature which may be free-standing or projected from a wall of a building or its supports.

*Cemetery.* A parcel of land used for burials or graves, burial plots, mausoleums, vaults, or columbariums, subject to the approval of the Maryland Department of the Environment.

*Circulation Area.* That portion of a parking lot used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

*Commercial.* A type of activity where goods or services are sold or traded with the expectation of profit or gain.

*Commercial Retail.* An activity or use in which items, goods, or products are offered directly to the public for compensation.

*Commercial Service.* An establishment in which individuals or a business renders an activity to suit the needs of the public for compensation.

*Commission.* The Cecil County Planning Commission.

*Common Open Space.* A parcel of land or an area of water, or combination thereof within a designated development tract, such as a subdivision, which is designed and intended for the use of all lot owners and residents of the development tract.

*Communications Tower.* A structure used for the reception, relay, and transmission of radio, television, microwave, wireless communications, or utility and commercial broadcasting antenna, but do not include radio and television antenna or satellite dishes accessory to a residential use.

*Community Facilities.* A public or community sewerage disposal system serving three (3) or more dwelling units (see Community sewerage system and Community water supply system definitions below).

*Community Piers.* Boat docking facilities associated with subdivisions and other similar residential areas, condominiums, and apartments. Private piers are excluded from this definition.

*Community Sewerage System.* A sewage facility which serves three (3) or more individual lots, dwelling units, businesses, commercial or industrial establishments, or any combination

thereof and which is owned and maintained by an entity other than the County or a municipality including any system for the collection, transportation, and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage and industrial wastes. Community sewerage systems include shared sewer facilities.

*Community Water Supply System.* A source of water supply and distribution system that includes treatment and storage facilities, serving three (3) or more individual lots, dwelling units, businesses, commercial or industrial establishments, or any combination thereof and may be publicly or privately owned and/or operated.

*Comprehensive Plan.* For purposes of this Ordinance the Comprehensive Plan refers to the Cecil County 1990 Comprehensive Plan, as amended.

*Conference Center.* A structure or group of structures designed, used or intended to be used by more than fifty (50) individuals for the purpose of gathering or meeting. Excluded from the definition are schools, hospitals, public institutions, houses of worship, and fire assembly halls when the capacity is less than (400) persons.

*Conservation Easement.* A non-possessory interest in land that restricts the manner in which the land may be developed in an effort to conserve natural resources for future use.

*County Administrator.* The administrator to the Board of County Commissioners.

*Critical Area.* All lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

- a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands map, and all state and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;
- b. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and
- c. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

*Critical Area Commission.* The Maryland Chesapeake Bay Critical Area Commission.

*Day Care Center, Family.* A home or facility where care is given, for a part of a twenty-four (24) hour day, to from one (1) to not more than eight (8) children, elderly or handicapped

persons, located outside of the home of the legal guardian and where compensation is paid for the care.

*Day Care Center, Group.* An entity, licensed by the State, where care is given for a part of a twenty-four (24) hour day, to nine (9) or more children, elderly or handicapped persons, and which operates on a regular schedule more than once a week.

*Dedication.* The transfer of property from private to public ownership as may be required to provide for the public health, safety, or welfare.

*Deed Restriction.* A private legal restriction and/or covenant on the use of land, contained within a deed of property or otherwise formally recorded in the Land Records of Cecil County, Maryland. These restrictions or covenants are designed to control the use of specific property and enforcement of these is through private civil action. Deed restrictions are not enforced by Cecil County, Maryland unless it is Cecil County, Maryland that records said deed restrictions.

*Density.* The number of dwelling units that may be constructed per acre or per square foot of a zoned lot area.

*Developed Woodlands.* Areas one (1) acre or more in size that predominantly contain trees and natural vegetation and that also include residential, commercial, or industrial structures and uses.

*Developer.* A person who is responsible for any undertaking that requires a zoning permit, conditional-use permit, sign permit, site plan, or subdivision approval. In the Chesapeake Bay Critical Area, a developer means a person who undertakes development activity as defined in this ordinance; or a person who undertakes development as defined in the criteria of the commission.

*Development or Development Activities.* Any construction, modification, extension, or expansion of buildings or structures; grading; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land.

*Development Envelope.* The area comprised of lots, structures, bufferyards, impervious surfaces, utilities, stormwater management devices, sewage disposal areas and any area subject to regular human use such as active recreation areas.

*Dispensing Device.* Any mechanism designed to distribute in portion, any product contained in the device. Dispensing device includes automatic teller machines.

*District.* A geographic area within the County subject to certain zoning regulations.

*Drainageways.* Minor watercourses that are defined either by soil type or by the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join, including: the land, except where areas are designated as floodplain, on either side

(Amended 3/20/07)

of and within fifty (50) feet of the centerline of any intermittent or perennial streams shown on the most recent U.S.G.S 7.5 Minute Quadrangle maps covering the unincorporated areas of Cecil County.

*Driveway.* That portion of a parking area that consists of a travel lane bounded on either side by an area that is not part of the parking area.

*Dwelling.* A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multi-family dwellings (not including hotels and motels). In the Chesapeake Bay Critical Area, a dwelling means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with every day life. Dwelling unit includes living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

*Dwelling, Attached.* A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

*Dwelling, Detached.* A building containing one (1) dwelling unit on one (1) lot and detached from any other dwelling.

*Dwelling, Duplex.* A building containing two (2) attached dwelling units which share a common wall and which are on one (1) lot.

*Dwelling, Multi-family.* A building containing three (3) or more attached dwelling units having common walls and/or roof and a separate entry for each unit. This definition includes townhouses and apartments.

*Dwelling, Semi-detached.* A building containing two (2) attached dwelling units which share a common wall at the lot line and which are on separate lots.

*Dwelling, Townhouses.* A building containing three (3) or more attached dwelling units in a row having access from the front and rear of the dwelling.

*Dwelling Unit.* A group of rooms located within a building, not including manufactured homes or travel trailers, designed for a single family unit containing living, sleeping, cooking, washing, and toilet facilities.

*Easement.* A right given, sold or exchanged by an owner of land to another party for specific limited use(s) of that land.

*Environmental Assessment.* A comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.



*Exclusion.* An act by the Board of County Commissioners of Cecil County, approved by the Chesapeake Bay Critical Area Commission, that exempts an area of the County from certain provisions of the Zoning and Subdivision Regulations applicable only to the Critical Area District.

*Exemption, Buffer.* An act by the Board of County Commissioners of Cecil County, approved by the Chesapeake Bay Critical Area Commission, that relieves an area of the County from the strict application of all of the Buffer provisions of the Critical Area District.

*Facade.* The surface area of the front elevation of a structure.

*Family.* One or more persons living together as a single housekeeping unit.

*Farmers Markets.* A retail market selling agricultural products.

*Feedlot.* Any tract of land or structure, pen, or corral wherein cattle, swine, poultry, sheep or goats are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

*Fence.* A barrier or wall of appropriate construction materials, other than natural vegetation, intended to prevent intrusion or escape, to mark a boundary, or to enclose an area to provide screening or privacy.

*Festival or Events.* Occasional outdoor festivals or events, including, but not limited to horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc., and seasonal business use.

*Finding of Fact.* An evaluation provided by the Board of County Commissioners and/or their designee for a proposed amendment(s) to this Ordinance or official zoning maps.

*Fishery.* A parcel or building where commercial water dependent fishery facilities are located, including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, amphibians and reptiles, including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

*Flood.* General and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters, or rapid unusual accumulation of runoff from any source.

*Floodplain.* That land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood.

*Floodproofing.* Any combination of structural and non-structural changes which reduce or eliminate flood damage to improved property.

*Flood-related Erosion.* The collapse or subsidence of land along the shore of a body of water as a result of undermining caused by waves or currents or water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water.

*Forest.* In the Cecil County Critical Area a forest is defined as a biological community dominated by trees and other woody plants covering a land area of one (1) acre or more. This also includes forests that have been cut but not cleared. Elsewhere in Cecil County a forest is defined as a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest does not include orchards. Forest includes:

- a. areas that have at least 100 trees per acre with at least 50% of those trees having a 2 inch or greater diameter at 4.5 feet above the ground and larger; and
- b. forest areas that have been cut but not cleared.

*Forest Conservation Regulation.* The local program and regulations required by the Forest Conservation Act of 1991, Natural Resources Article, Sec. 5-1601 - 5-1613, Annotated Code of Maryland and as amended.

*Forest Management.* The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, wildlife habitat.

*Forest Practice.* The alteration of the forest either through tree removal or replacement to improve the timber, wildlife, recreational, or water quality.

*Garage.* A fully enclosed building accessory to a residence, for the storage of one or more motor vehicles, not including buildings in which fuel is sold or commercial repair or other services are performed.

*Golf Course.* An area publicly or privately owned, on which the game of golf is played, containing at least nine (9) holes; together with such necessary and usual accessory uses as a club house, driving range, caretakers' dwellings, dining and refreshment facilities.

*Golf Driving Range.* A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

*Governing Body.* The Board of County Commissioners of Cecil County, Maryland.

*Grandfathered.* Describes the status accorded certain properties, uses and activities that are legally existing prior to the date of adoption of this Zoning Ordinance or provisions of this Zoning Ordinance.

*Greenhouse.* An enclosed building, permanent or portable, which is used for growing small

plants.

*Greenway.* A linear park, alternative transportation route, or open space conservation area identified on the Greenways and Unofficial Bikeways Map in the Comprehensive Plan, that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas.

*Group Home.* A dwelling in which one (1) to sixteen (16) mentally or physically handicapped individual(s) or individual(s) recovering from drug and/or alcohol abuse are provided care or treatment in a homelike environment as provided for in Health-General Article 7-101, 7-603, 10-514, and 10-518 Annotated Code of Maryland.

*Growth Allocation.*

- a. An area of land calculated as five (5) percent of the total Resource Conservation Area (excluding tidal wetlands and federally owned land), that the County may convert to more intense management areas to accommodate land development; also
- b. An act of the County Commissioners, approved by the Critical Area Commission, that provides for conversion of a property or properties located in Resource Conservation Areas (RCAs) and/or Limited Development Areas (LDAs) in the Critical Area District to another land management classification that allows an increase in the permitted density to the level permitted by the base zoning classification.

*Guest House.* A dwelling, in addition to the principal dwelling intended for temporary occupancy.

*Habitat Protection Area.* The Buffer, Non-Tidal Wetlands, Threatened and Endangered Species, Plant and Wildlife Habitats, Anadromous Fish Spawning Propagation Waters and Species in Need of Conservation, i.e. colonial bird nesting waters, historic waterfowl staging and concentration areas, and habitats of local significance, as defined in Cecil County Critical Area Program.

*Halfway House.* A home for not more than nine people who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with at least one person providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

*Hazardous Waste.* Any matter identified as a hazardous substance by the United States Environmental Protection Agency in 40 Code of Federal Regulations Part 116, as amended. It also includes waste, substance or material designated as a hazardous substance pursuant to Natural Resources Article, Section 8-1413.2, Annotated Code of Maryland, and COMAR Title 10, Subtitle 51, as amended.

*Hazardous Waste Disposal Facility.* All structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste, including all operations or storage areas, diked overflow or emergency spillway areas. A hazardous waste disposal

facility may consist of several treatment, storage, or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled, or processed.

*Hazardous Waste - Incinerator.* An enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste. Examples of incinerators are rotary kiln, fluidized bed, and liquid injection incinerators.

*Hazardous Waste - Landfill.* A disposal facility or part of a facility where hazardous waste is placed in or on land.

*Hazardous Waste - Recycling.* The handling of hazardous waste or hazardous material for the purpose of breaking it down to its individual components or some of its components by chemical, mechanical, electrical, or other means. This includes the storage, blending, distillation, handling and reclamation of any materials or blends of chemicals which are deemed hazardous substances or hazardous waste as defined herein.

*Heavy Industry.* Includes the manufacturing, compounding, processing, packaging, storage, assembly and/or treatment of materials into finished or semi-finished products, which activities may be conducted outdoors. Heavy industry includes the processing of raw materials.

*Height.* The vertical distance from the highest point of a structure, excepting chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.

*Helicopter Facility.* An area, either at ground level or elevated on a structure, that is used or intended to be used for the landing and taking off of helicopters and includes major helicopter support facilities such as for fueling, maintenance, parking or hangaring, administration offices, cargo loading, and waiting room.

*Highly Erodible Soils and Erodible Soils.* Soils with a slope greater than 15 percent or soils with a "K" value greater than 0.35 and slopes greater than 5 percent. "K value" means the soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

*Historic Structure* - a structure listed individually on the National Register of Historic Places, the Maryland Inventory of Historic Properties, or a local inventory of historic places certified by the Maryland Historic Trust or the Secretary of the Interior.

*Home Occupation.* A business conducted entirely within an enclosed dwelling unit, by the resident, which is incidental and secondary to residential occupancy and does not change the residential character of the dwelling.

*Homeowner's Association.* A non-profit corporation of property owners which may be empowered to enforce deed restrictions and other covenants in the deed and which may maintain common areas and facilities.

*Hospital.* A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the in-patient medical or surgical care of sick or injured humans and which may include related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices, providing, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

*Hotel.* A building offering transient housing accommodation, lodging, or boarding and lodging for the public for compensation, and which access to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may contain restaurants, taverns, club rooms, public banquet halls, ballrooms and meeting rooms.

*House of Worship.* A building wherein persons regularly assemble for religious worship, and those accessory activities as are customarily associated therewith, which building and accessory activities are maintained and controlled by a religious body organized to sustain public worship.

*Hydric Soils.* Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

*Hydrophytic Vegetation.* Those plants cited in "National List of Plant Species That Occur in Wetlands: Maryland, 1988" which are described as growing in water or on substrate that is at least periodically deficient in oxygen as a result of excessive water (plants typically found in water habitats).

*Immediate Family Member.* Father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, step-children, or step-parents.

*Industrial Auction House.* An establishment for the public sale of industrial related equipment, including but not limited to, trucks, backhoes, bulldozers, tractors, graders, lifts, rollers, compressors, forklifts, loaders and other construction related equipment to the highest bidder. Accessory uses to the Industrial Auction House may include merchandise display area and equipment refurbishing facilities (including washing, painting, maintenance, repair and sandblasting).

*Intermittent Stream.* A stream in which surface water is absent during part of the year and shown on the most recent U.S.G.S. 7.5 Minute Quadrangle maps.

*Kennel, Commercial.* Any land or structures (temporary or permanent) used for the sale, rental, boarding, breeding, training, or care of five (5) or more dogs or cats for compensation.

*Land Clearing.* Any activity that removes the vegetative ground cover.

*Landscaping.* Changing, rearranging or adding to the original vegetation or scenery to produce an aesthetic effect appropriate for the use to which the land is put. It may include

preserving the original vegetation or adding vegetation. The desired effects are buffering, screening, and preservation of natural features.

*Light Industry.* Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

*Liquor Store.* A building or establishment where alcoholic beverages are sold for consumption off of the premises.

*Livestock Market.* A commercial establishment wherein livestock is collected for sale or auctioning.

*Loading and Unloading Area.* That portion of the parking area used to satisfy the requirements of Section 277.

*Lot.* A parcel of land recorded in the Office of the Clerk of the Court, or a parcel described by metes and bounds, the description of which has been so recorded.

*Lot Area.* The total area within the lot lines of a lot, excluding any road right-of-way.

*Lot, Corner.* A lot situated at the intersection of two (2) or more streets (See Figure 1).

*Lot, Interior.* A lot other than a corner or reversed corner lot (See Figure 1).

*Lot, Through.* A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines. Unless circumstances specifically indicate the contrary, the front yard of a waterfront lot is the yard facing the waterway. A waterway for purpose of this definition is considered to be any body of water or wetland affected by tidal action (See Figure 1).

*Lot Lines.* The property lines bounding the lot.

*Lot of Record.* A parcel of land which has been legally recorded in the land records of Cecil County, Maryland.

*Lot, Panhandle.* A polygonal shaped lot with the appearance of a "frying pan" or "flag and staff" in which the handle is most often used as the point of access to a street or road. The "handle," when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required lot area or delineating the minimum required building envelope. The width of the handle at any point must not be less than the minimum required frontage (See Figure 1).

*Lot Line, Front.* A line connecting the foremost points of the side lot lines and dividing the lot from the access right-of-way.

*Lot Line, Rear.* A line connecting the rearmost points of the side lot line.

*Lot Line, Side.* Any boundary of a lot which is not a front lot line nor a rear lot line.

*Lot Width.* The horizontal distance between the side lot lines of a lot measured at the front and rear yard setback lines. The front and rear line shall be at least the minimum required by this Ordinance, but may be greater.

*Manufacture.* The process of converting raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for different purposes.

*Manufactured Home.* A transportable structure which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

*Manufactured Home, Single-wide.* A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a double-wide manufactured home.

*Manufactured Home, Double-wide.* A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

*Marina.* Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities. A marina may include boat sales, boat fuel sales, boat construction, boat repair, marine equipment sales or promotional events, boat and jetski rental and other uses clearly incidental to watercraft activities.

*Marquee.* A roof-like structure of a permanent nature which projects from the wall of a building or its supports and may overhang the public way.

*Mean High Water Line.* The average level of high tides at a given location.

*Metes and Bounds.* A description of land prepared by a Maryland registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

Figure 1





*Mineral Extraction.* The excavation or extraction of any earth products of natural mineral deposit, except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot by the owner of the property.

*Mineral Resources.* Rock, sand, gravel, clay, oil, gas, minerals, or similar non-renewable substances occurring in their natural state on or below the surface of the earth, the utilization of which requires some form of excavation.

*Mini Storage.* A building or group of buildings in a controlled and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. At least one toilet facility shall be available to customers. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

*Minor or Insignificant Impact.* Development or redevelopment activities in the Critical Area District that result in little or no land disturbance such as second-story additions, maintenance of existing structures, or interior renovations or remodeling.

*Modular Home.* A dwelling unit composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

*Motel.* A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

*Motor Vehicle Filling Station.* Any building, structure or area of land used for the retail sale of automobile fuels, oils, and accessories and where repair service, if any, is incidental; and where no more than two (2) abandoned vehicles or other motor vehicles shall be stored on the premises. Motor vehicle filling stations may include the sale of propane or kerosene as accessory uses.

*Motor Vehicle Repair and Maintenance.* A building or establishment where the following activities may occur: general repair, engine rebuilding, reconditioning of motor vehicles, collision repair, painting, general maintenance, and where no more than two (2) abandoned vehicles shall be stored on the premises.

*Motor Vehicle Sales.* Storage and display for sale of more than two (2) motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicle sales includes motor vehicle retail or wholesale sales.

*Natural Features.* Components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

*Natural Vegetation.* Plant communities that develop in the absence of human activities.

*Neighborhood, Essential Services.* Any utility facility needed to provide basic services such as water, sewer, telephone, and cable television to the individual users.

*New Construction.* Structures for which the start of construction as herein defined commenced on or after the effective date of this Ordinance. This does not apply to any work on a structure existing prior to the effective date of these provisions.

*Non-conforming.* A lot, tract, parcel, area, width, use or other characteristic which fails to meet the requirements of its zoning district as described by this Ordinance.

*Nonconforming Structure.* An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for use that does not conform to the use regulations for this Ordinance, for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

*Nonconforming Uses.* A lawfully pre-existing use of part or all of a parcel of land or structure, which is not permitted by the applicable zone regulations of this Ordinance.

*Non-Tidal Wetlands.* An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, and is determined according to the Corps of Engineers Wetland Delineation Manual, 1987.

*Nursery.* An enterprise which conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

*Nursing Care Facility.* A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital.

*Occupancy Permit.* Official certification that a premise conforms to provisions of the Zoning Ordinance and may be used or occupied. Unless such a permit is issued, a structure cannot be occupied.

*Office.* An office for the use of (1) professional people such as doctors, lawyers, accountants, etc., or (2) general business offices such as insurance companies, trade associations,

manufacturing companies, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse, except as otherwise provided herein.

*Office, Class A.* A principal building that is not necessarily the only building on the lot on which it is situated; it may be attached to another building; it is not limited in floor area by definition (although it may be so limited by bulk regulations). Class A office may include separate office buildings, supporting uses and open space designated, planned, constructed and managed on an integrated and coordinated bases.

*Office, Class B.* A principal building that:

- a. Is not attached to any other building; and
- b. Is the only building on the lot on which it is situated.

*Office, Class C.* A principal building that was originally constructed as a one family or two family detached dwelling and that is converted to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purpose of this definition, enclosure of a porch does not constitute external enlargement.

*Official Cecil County Roadway Classification Map.* The map approved by the County Commissioners that designates roadways in Cecil County as arterial, collector, or local roadways.

*Offsets.* Structures or actions that compensate for undesirable impacts.

*Off-Street Parking Area.* Space provided for vehicular parking not on a street or roadway.

*One Hundred (100) Year Flood.* The base flood, having a one chance in a hundred (one percent chance) of being equalled or exceeded in any year.

*Open Space.* Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

*Open Water.* Tidal waters of the State that do not contain tidal wetlands and/or submerged aquatic vegetation.

*Outbuilding.* A separate accessory building or structure not physically connected to the principal building.

*Pad, Development.* The area of a lot, within a larger overall lot area that is devoted to structures and septic systems. In general, where a development pad is prescribed, the remaining area of the lot must be maintained in natural vegetation.

*Parapet.* The extension of the main walls of a building above the roof.

*Parcel.* A lot or contiguous group of lots or other separately legally described land in single ownership or under single control and which may be a unit for development purposes.

*Parking Area, Lot, or Structure.* A structure, or an off-street area for parking or loading and unloading, whether required or permitted by this Zoning Ordinance, including driveways, access ways, aisles, and maneuvering areas, but not including any public or private street right-of-way.

*Parking Area Aisles.* A portion of a parking area consisting of lanes providing access to parking spaces.

*Parking Space.* A portion of a parking area set aside for the parking of one vehicle.

*Perennial Stream.* A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 Minute Quadrangle published by the United States Geologic Survey.

*Permanent Construction.* Any structure occupying a site for more than 180 days per year.

*Permitted Use.* A use by right which is specifically authorized by this ordinance to be within a particular zoning district as described by the Official Zoning map(s).

*Physiographic Features.* The soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

*Planned Unit Development (PUD).* A unified site design providing for density increases, clustering, and a mix of building types and land uses with increased open spaces.

*Plot Plan.* A sketch that includes the requirements listed in Appendix A.

*Policy.* A statement(s) and/or document(s) of the Board of Commissioners of Cecil County, the Board of Appeals, or the Cecil County Planning Commission that forms the basis for making decisions.

*Premises.* A lot, together with all buildings and structures thereon.

*Principal Structure.* The main building or buildings housing the principal use on the lot.

*Principal Use.* The primary use occurring on or within the boundaries of a lot as permitted by this Ordinance in a particular zoning district. All other uses within the lot boundaries are considered incidental or accessory.

*Private Clubs.* Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit which accrues to any one individual and not primarily to render a service which is customarily carried on as a business.

*Private Tidal Wetlands.* Include:

- a. Land not considered State wetland bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth;
- b. Tidal wetlands transferred by the State by a valid lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights are considered "private tidal wetlands" to the extent of the interest transferred; and
- c. Tidal waters created by the excavation of upland unless conveyed to the State.

*Private Pier.* A privately owned pier that is no more than six (6) feet wide.

*Program Amendment.* Any change or proposed change to an adopted program that is not determined by the Chairman of the Critical Area Commission to be a program refinement.

*Program Refinement.* Any change or proposed change to an adopted program that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area in a manner consistent with the adopted program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

1. A change in the adopted program that results from State law;
2. A change to an adopted program that affects local processes and procedures;
3. A change to a local ordinance or code that clarifies an existing provision; and
4. A minor change to an element of an adopted program that is clearly consistent with the provisions of state Critical Area law and all criteria of the Commission.

*Public Utilities.* Uses or structures for the public purpose of power transmission and distribution (but not power generation); fuel transmission and distribution (but not manufacturing or storage); water treatment and distribution; sewage collection and treatment; telephone service facilities (but not utility truck terminal facilities); radio and television facilities (not including broadcasting studios); and rail or highway rights-of-way (not including stations or terminals).

*Public Way.* Any sidewalk, street, alley, highway, or other public thoroughfare.

*Public Water and Sewerage Systems.* A water or sewerage system owned and operated by a municipality or county or an authority or owned and operated by the governing body and permitted by the State of Maryland, and subject to special regulations.

*Racetracks.* A measured course where animals or machines are entered in competition against one another or against time, not including tracks that are used in the training of animals.

*Recycling Facility.* A parcel or facility where materials that would otherwise become solid waste are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

*Redevelopment.* The process of developing land that is or has been developed.

*Reforestation.* The establishment of a forest through artificial reproduction or natural regeneration.

(Amended 3/20/07)

*Resort.* A facility which provides special recreational amenities or is designed for access to unique natural amenities for recreation or relaxation of the users and not primarily oriented to single night lodging.

*Restaurants.*

- a. Restaurant, standard - A food serving establishment whose principal business is the sale of food and the principal method of operation is its service when ordered from a menu to seated customers at a table, booth or counter inside the establishment. A snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park, operated solely for the convenience of its patrons shall not be considered a restaurant.
- b. Restaurant, carry-out, delivery - any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged, presented or delivered so it can readily be eaten away from the premises as there are no facilities for on-premises consumption of food.
- c. Restaurant, drive-thru or fast food - any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can be readily eaten inside the premises and whose method of operation is also to serve customers in motor vehicles either at a drive-thru window or while parked.

*Retirement Housing Complex.* A group of buildings or a development designed and operated as an entity which provides housing services and other incidental services which are typically used on a daily basis, to persons who are retired. A retirement housing complex may provide medical care to the residents.

*Rezoning.* An amendment to or change in the Zoning Ordinance or zoning map.

*Road Frontage.* That portion of a lot which abuts a County or State maintained road or a private mini-road built and designed in accordance with the Cecil County Road Code.

*Roadside Stand.* An area, structure or vehicle used for display and sale of agricultural produce, where the majority of the produce is produced by the owner on the premises or within the immediate neighborhood of the roadside stand.

*Roadway, Arterial.* A major street in the County's street system that serves as an avenue for the circulation of traffic onto, out, or around the county and carries high volumes of traffic. Arterial Roadways are designated on the Official Cecil County Roadway Classification Map.

*Roadway, Collector.* A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but that may also provide direct access to abutting

properties and is designated as a collector roadway on the Official Cecil County Roadway Classification Map.

*Roadway, Local.* A street whose principal function is to provide direct access to abutting properties. A local roadway shall be defined as those roadways not classified as collector or arterial roadways on the Official Cecil County Roadway Classification Map and those roadways built to serve new subdivisions.

*Rubble Landfill.* An area or tract of land which is used for the disposal of land clearing debris, demolition debris of a certain type, construction debris of a certain type, and other waste materials as specified in Section 153 of this Ordinance.

*Salvage Yard.* Any area not within a building where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, stored, disassembled, handled, abandoned, including the salvaging, storing, wrecking of automobiles and other vehicles, machinery or parts thereof, house wrecking yards, used lumber yards and places for storage of salvaged building or structural steel materials and equipment. Any property occupied by an unlicensed vehicle shall constitute a salvage yard unless the vehicle is stored within a building or if the vehicle is stored within 50 feet of a dwelling on the property and it falls into one of the following categories:

- a. One (1) genuine antique or classic vehicle (but not to be used for parts) which is actively being restored;
- b. Vehicles which must be held pending settlement of insurance and similar claims;
- c. A vehicle recently purchased, pending inspection, for a period not to exceed sixty (60) days; and
- d. A vehicle being advertised for sale, for a period not to exceed sixty (60) consecutive days.

For the purpose of Section 138 a vehicle shall mean a vehicle of a type subject to the licensing requirements of the Motor Vehicle Administration.

*Sanitary Landfill.* A land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards by spreading, compacting, and applying covering material as required.

*Sawmill.* A facility where raw timber is cut or stripped to produce lumber or wood products, not including the cutting of timber for use on the same lot by the owner or resident of that lot.

*Screening.* A barrier of appropriate natural vegetation or appropriate fencing materials intended to provide a physical and/or visual buffer between uses as specified by the Ordinances and Regulations of Cecil County.

*Seat.* For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

*Setback.* The required distance between the point where any structure on a lot meets the ground surface and any lot line or boundary of a vehicular right-of-way.

*Sewage Sludge Composting.* Sewage sludge composting is defined as a process wherein material is produced by subjecting a mixture of sewage sludge and a bulking agent, such as wood chips, to aerobic decomposition in the manner so as to destroy primary pathogenic and malodorous components.

*Shopping Center.* A retail and/or service commercial development designed, built, or used as an integrated use with more than one tenant or occupant and characterized by common parking, access, landscaping, and utilities.

*Shore Erosion Control Measures.* Any number of structural and nonstructural methods or techniques used to control the erosion of shoreline areas. More specifically, the term refers to:

a. Structural

1. Revetment -- facing laid on a sloping shore to reduce wave energy and contain shore materials.
2. Bulkhead -- excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:
  - (a) Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow-draft barge and pile driver; and
  - (b) In narrow, man-made lagoons for activities that require frequent interchange between boats and land.

b. Nonstructural - creation of an intertidal marsh channelward of the existing bank by one of the following methods:

1. Vegetation -- planting an existing shore with a wide band of vegetation;



2. Bank Sloping/Vegetation -- sloping and planting a non-wooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and
3. Contained Beach -- filling alongshore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.

*Sign.* See Article XIII.

*Significant Impact.* Any land disturbance not defined as a "minor or insignificant impact" in the Cecil County Critical Area Program.

*Significantly Eroding Areas.* Shoreline areas eroding at the rate of two (2) feet or greater per year.

*Site Plan, Major or Minor.* A plan, to scale, showing uses, structures, and required improvements proposed for a parcel of land as required by this Ordinance.

*Sketch Plat.* A plat containing the required information listed in Appendix A.

*Slaughterhouse.* An establishment where animals are butchered.

*Sludge.* The waste by-product that has been treated by a process to reduce putrescibility, significantly reduce pathogenic organisms and, except for lime stabilization, reduce the volatile solids content.

*Sludge Application.* Application is defined as the incorporation or injection into the root zone or soil profile of sewage sludge or wastewater solids.

*Sludge Co-Landfilling.* Co-landfilling is defined as the mixing and compacting of sludge with solid waste as part of a normal sanitary landfill operation.

*Sludge Disposal Facility.* Any facility used to contain, store, utilize, or dispose of stabilized sludge, including a surface impoundment, a site used for incineration, co-landfilling, application, or composting of stabilized sludge.

*Sludge Handling.* Handling in general is defined as any manner in which sewage sludge is handled, utilized, or otherwise managed or stored including incineration, composting, co-landfilling, and application.

*Sludge Incineration.* Incineration is defined as the combustion of sewage sludge in a closed system with adequate controls to yield a non-putrescible ash and an air effluent of quality permissible by law.

*Sludge, Stabilized.* The sludge that has been treated by a process to reduce putrescibility, significantly reduce pathogenic organisms and, except for lime stabilization, reduce the volatile solids content.

*Sludge Surface Impoundment.* A facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) which is designed to hold an accumulation of solid waste in semi-solid or liquid form. Examples of surface impoundments are holding, storage settling, and aeration pits, ponds, and lagoons.

*Sludge Transportation.* The moving of stabilization sludge over public roads or across any areas to which the public has access.

*Soil Conservation and Water Quality Plans.* Land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

- a. How the landowner plans to treat a farm unit;
- b. Which Best Management Practices the land owner plans to install to treat undesirable conditions; and
- c. The schedule for applying Best Management Practices.

*Special District.* An area described in the Zoning Ordinance or on the Official Zoning Map within which special regulations are applicable.

*Special Exception.* A Special Exception is a use, approved by the Board of Appeals, that would not be appropriate generally or without restriction throughout the zone, but which, if controlled as to number, area, location or other factors would promote the general public health, safety, welfare, comfort, convenience, or appearance.

*Species of Concern.* Rare, threatened or endangered species or species in need of conservation.

*State Tidal Wetland.* Any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Tidal wetlands of this category which have been transferred by the State by a valid lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights are considered "private tidal wetlands" to the extent of the interest transferred.

*Steep Slopes.* Any slope with a grade of 25 percent or more covering a contiguous area of 10,000 square feet or more shall be considered a steep slope.

*Storage Trailer and Container.* A trailer or container, not designed for human habitation, that is located for the storage of items and materials. Manufactured homes shall not be considered storage trailers.

*Storage Trailer Facility.* An area where more than one storage trailer is located for sale, rent or lease.

*Stormwater Management.*

- a. For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and
- b. For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

*Street.* A public street or a street with respect to which an offer of dedication has been made.

*Street, Marginal Access.* A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

*Structure.* A construction extending above grade with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, walls, carports, towers, tanks, and billboards. A manufactured home, even though it may be moved from time to time, is considered to be a structure.

*Subdivision.* The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future).

*Subdivision, Major.* A process of subdivision subject to review by the Technical Advisory Committee, and the Planning Commission as described by the Subdivision Regulations of Cecil County.

*Subdivision, Minor.* A subdivision approved by the Office of Planning and Zoning by which up to a total of five (5) lots may be created from a parcel as it existed on April 15, 1976. For purposes of this Ordinance, any remaining land shall be considered a lot.

*Subdivision Regulations.* County Ordinance that regulates the conversion of raw land into building lots for residential or other purposes.

*Tavern.* An establishment where alcoholic beverages are sold and consumed on the premises.

*Television or Satellite dish.* A device or equipment used for the receiving of television or radio programming which is a subordinate use or structure customarily incidental to and located upon the same lot as the main structure, in either a side or rear yard.

*Tenant House.* A dwelling, in addition to the principal dwelling, intended to house farm help. One tenant house may be erected per every one hundred acres without subdivision.

*Tidal Wetlands.* All State and private wetlands, marshes, submerged aquatic vegetation, lands, and open water affected by the daily and periodic rise and fall of the tide within the Chesapeake Bay and its tributaries, the coastal bays adjacent to Maryland's coastal barrier islands, and the Atlantic Ocean to a distance of three (3) miles offshore of the low water mark.

*Timber Harvest Plan.* A plan designed to detail the commercial harvesting by cutting and removing of tree stems from a site for commercial purposes. These plans shall be prepared by a registered forester or landscape architect.

*Topography.* The existing configuration of the earth's surface including the relative relief, elevations, and position of land features.

*Travel Plaza.* A complete integrated facility servicing the motoring public located near an interstate highway, including overnight accommodations, restaurants, fuel servicing, and other necessary items required by all sectors of the motoring public including automobiles, buses, and trucks and which does not cater predominantly to tractor trailers or other large highway vehicles.

*Travel Trailer or Camper.* A portable structure built on a chassis, whether self-propelled or towed, to be used as temporary dwelling for travel, recreation and vacation uses where factory equipped for the road, not requiring special permits to use the road and not being in excess of 45 feet in length, excluding the tongue for towed vehicles. A travel trailer owned by the occupant of a legally existing dwelling may be stored on the premises.

*Tributary Streams.* Perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S.G.S. 7.5 Minute Quadrangle Maps or on more detailed maps or studies at the discretion of the County.

*Truck Stop.* An independent facility catering predominantly to tractor trailers and other large highway vehicles in which highway services such as fuel, food, repair and similar items are provided.

*Truck Terminal.* A parcel where two (2) or more trucks or truck trailers are stored. Truck terminals may include parcels used for the loading or unloading of trucks and the temporary storage of goods and commodities pending transfer. Truck terminals may also include warehouse facilities for the temporary storage of goods in transit. Other uses, such as eating facilities, truck fueling and repair facilities, and sleeping quarters for truck drivers may be permitted as accessory uses only.

*Use.* The activity or function that actually takes place or is intended to take place on a lot.

*Use, Permitted.* A use which may be lawfully established in a particular district or districts provided it conforms with all regulations, requirements, and standards of such district.

*Variance.* A modification of zoning ordinance regulations for height, frontage, area or size of structure, or size of yards and open spaces, where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the result of any action taken by the applicant, and where a literal enforcement of the Ordinance would result in unnecessary hardship.

*Warehouse.* A structure in which goods, materials, or other items are stored for compensation for a period of time pending transfer or sale. A warehouse may include wholesale facilities.

*Water-Dependent Facilities.* Structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which Cecil County has determined require location at or near the shoreline within the Buffer.

*Wholesale Sales.* On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

*Wildlife Corridor.* A strip of land having vegetation that provides habitat and a safe passageway for wildlife.

*Wildlife Preserve.* An area of significant or special environmental features wherein wildlife is protected from manmade influences and disturbances.

*Yard.* The required open space of a lot outside the building envelope (See Figure 2).

*Yard, Front.* A yard extending across the front of the lot between the side lot lines and between the front set back line and the front lot line. Unless circumstances specifically indicate the contrary, the front yard of a waterfront lot is the yard facing the waterway. A waterway for purpose of this definition is considered to be any body of water or wetland affected by tidal action.

*Yard, Rear.* A yard extending across the rear of the lot between the side lot lines and between the rear set back line and the rear lot line.

*Yard, Side.* A yard extending along the side lot line between the front and rear set back lines.

*Youth camp.* A facility, either publicly or privately owned, that provides indoor or outdoor activities for children, including activities such as sports, arts & crafts, entertainment, recreation, educational activities, swimming, fishing and horseback riding. The camp may include buildings, structures and sanitary facilities designed for the recreation and education of youth.

*Zoning Certificate.* A permit issued by the Zoning Administrator or his agent that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

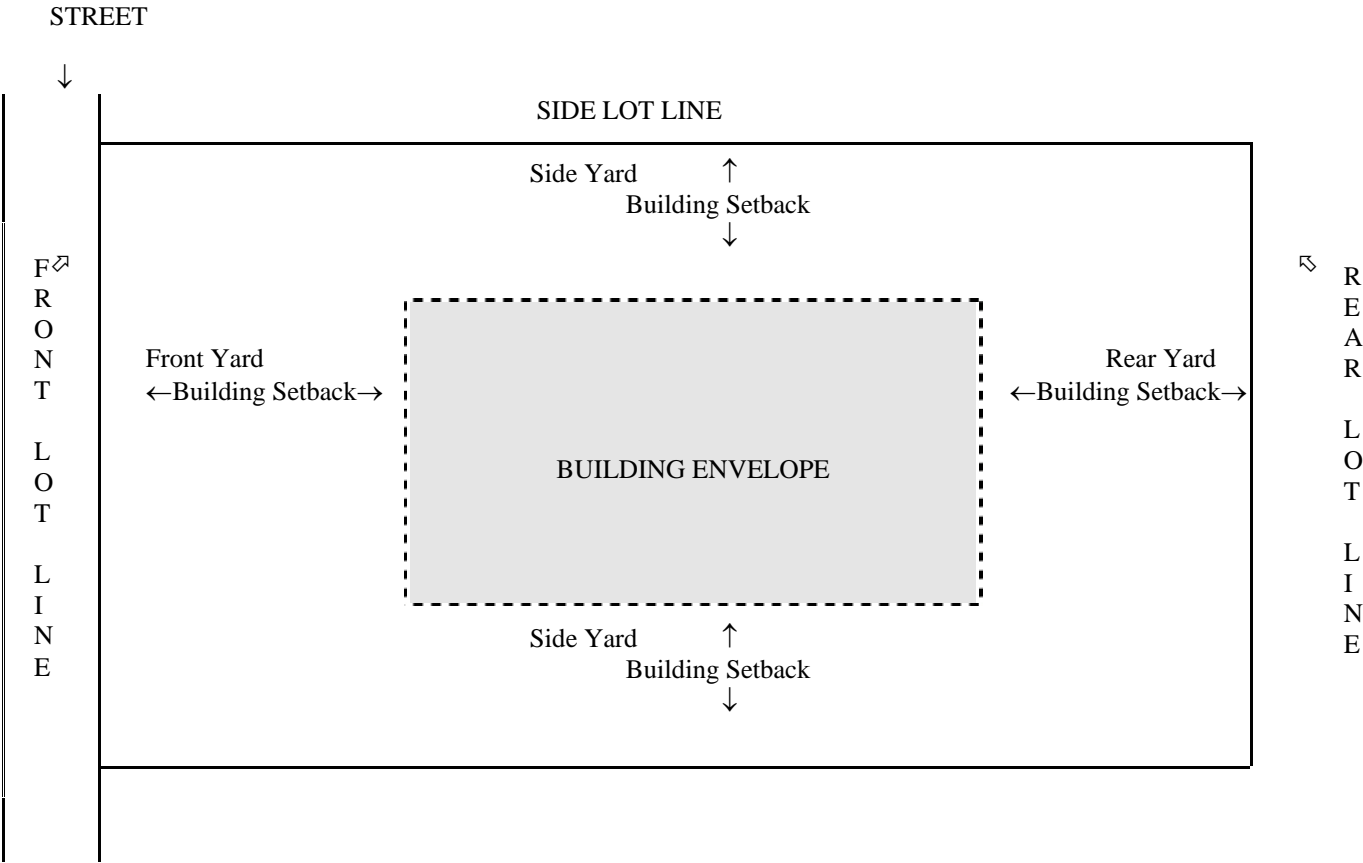
*Zoning, Certificate of.* Official written certification issued by the Zoning Administrator that a proposed use is in conformance with the Cecil County Zoning Ordinance by complying with the requirements of the zone within which the use is located.

*Zoning Overlay District.* A district which is placed over the Parent Zoning District and which is intended to supplement the regulations of the parent district to accomplish a special public purpose for which the overlay district is established.

*Zoning, Parent District.* Those basic districts initially listed other than overlay districts in Article XI.

*Zoo.* An area, building or structures which contain wild animals on exhibition for viewing by the public.

Figure 2



## **Part II          Zoning Maps**

### **Section 13.    Official Zoning Maps**

1.    The unincorporated areas of the County are hereby divided into zones, as shown on the Official Zoning Maps which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
2.    The Official Zoning Maps shall be identified by the signature of the County Commissioners attested by the County Administrator, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Maps referred to in Article II, Section 13 of the Zoning Ordinance of the County of Cecil, Maryland", together with the date of the adoption of this Ordinance.
3.    Regardless of the existence of purported copies of the Official Zoning Maps which may from time to time be made or published, the Official Zoning Maps which shall be located in the office of the County Administrator, shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the County. A copy of the maps shall be located in the Office of Planning and Zoning.

### **Section 14.    Replacement of Official Zoning Maps**

1.    In the event that the Official Zoning Maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Commissioners may by resolution adopt new Official Zoning Maps which shall supersede the prior Official Zoning Maps.
2.    The new Official Zoning Maps may correct drafting or other errors or omissions in the prior Official Zoning Maps, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The Office of Planning and Zoning shall certify as to the accuracy of the new Official Zoning Maps and the maps shall be identified by the signature of the County Commissioners attested by the County Administrator, and bearing the seal of the County under the following words: "This is to certify that these Official Zoning Maps supersedes and replaces the Official Zoning Maps adopted (date of adoption of maps being replaced) as part of the Zoning Ordinance of the County of Cecil, Maryland."

### **Section 15.    Location and Boundaries of Zones**

1.    A zoning district is represented by name in this Ordinance and by letter or letter-number combination or name-and-number combinations on the Zoning Maps. Where an area on the maps is designated as a certain district, the zoning regulations pertaining to that district shall prevail.



- 2.** The location and boundaries of zones established in the districts shall be as shown on the Official Zoning Maps for Cecil County, Maryland. These maps, sections or portions thereof, together with all notations, dimensions, designations, references, and other data shown thereon, are made a part of this Ordinance to the same extent as if the information set forth on the maps were fully described and incorporated herein.
- 3.** Where uncertainty exists as to the boundaries of any of the zone districts established in this Ordinance, as shown on the Official Zoning Maps, the following rules shall apply:

  - a.** Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries;
  - b.** Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 10 feet distant therefrom, such lot lines shall be such boundaries;
  - c.** In un-subdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless the same is identified on such maps, shall be determined by the use of the map scale shown thereon and scaled to the nearest foot.
  - d.** Boundaries indicated as approximately following town or county limits shall be construed as following town or county limits.
  - e.** Boundaries indicated as following railroad lines shall be construed to be midway between the outside rails;
  - f.** Boundaries indicated as following shorelines shall be construed to follow such shorelines, (except as provided in paragraph g. below) and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
  - g.** The boundary of any zone adjoining the shoreline of any water body shall be construed to incorporate within said zone any shoreline structure, including docks, piers, boathouses, loading and launching facilities;
  - h.** Boundaries indicated as parallel to or extensions of features indicated in Subsection a. through f. above shall be so construed. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of the map;

- i. Where physical or cultural features existing on the ground are at variance with those shown features on the Official Zoning Maps, or in circumstances not covered by Subsections a. through f. above, the Office of Planning and Zoning shall interpret the zone boundaries.
- 4. Lots Divided by District Lines
  - a. Whenever a single lot one acre or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.
  - b. Whenever a single lot greater than one acre in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

#### **Section 16. Official Floodplain Maps**

- 1. Official floodplain maps shall be prepared and maintained as part of the Official Zoning Maps of the County. It shall reflect the boundaries of the Floodplain District and its subdistricts.
- 2. The delineation of the Floodplain District may be revised, amended, and modified by the County Commissioners in compliance with the National Flood Insurance Program and the Maryland Department of Natural Resources when:
  - a. There are changes through natural or other causes;
  - b. Changes are indicated by future detailed hydrologic and hydraulic studies.
  - c. All such changes to the delineation of the District shall be subject to the review and approval of the Federal Insurance Administrator.
- 3. Should a dispute concerning a specific elevation or the application of the Floodplain zone regulations arise, an initial determination shall be made by the Office of Planning and Zoning.
- 4. If not used for human habitation, piers, boathouses, covered slips and similar structures, shall not be subject to the floodproofing requirements of these amendments.

#### **Section 17. Mineral Extraction Zone B - (MEB) Map Interpretation**

The purpose of the MEB overlay district is to identify areas of the County where mineral extraction may occur by Special Exception. This overlay designation shall only apply to those areas designated as Mineral Extraction District on the Land Use Plan of the 1990 Cecil

County Comprehensive Plan. It is intended that this overlay designation apply to those portions of the Mineral Extraction District where there is a potential for conflict between adjacent current and future land uses and the mineral extraction activity. Permitted uses in the MEB District shall be those as specified for the underlying zone.

#### **Section 18. Amendments to the Official Zoning Maps**

1. Amendments to the Official Zoning Maps are accomplished using the same procedures that apply to other amendments to this Ordinance, as set forth in Article XVII.
2. Amendments to the Official Zoning Maps involving any land within the Critical Area District shall comply with Section 203.
3. If, in accordance with the provisions of this Ordinance and Article 66B, Title 2, Annotated Code of Maryland, changes are made in zone boundaries or other matter portrayed on the Official Zoning Maps, such changes shall be made on the Official Zoning Maps promptly after the amendment has been approved by the County Commissioners, together with an entry on the Official Zoning Map as follows: "On (date), by official action of the County Commissioners, the following (change) (changes) were made in the Official Zoning Map: (brief description of nature of change)", which entry shall be signed by the County Commissioners and attested by the County Administrator. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Maps. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Maps shall become effective until such change and entry has been made on said map.
4. No changes of any nature shall be made in the Official Zoning Maps or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind of any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 340 of this Ordinance.
5. The County shall keep copies of superseded prints of the zoning maps for historical reference.

#### **Section 19. Reserved**

#### **Section 20. Reserved**

## **ARTICLE III            ZONING DISTRICTS**

### **Section 21.    Districts Established**

- 1.**     The unincorporated areas of Cecil County shall be divided into one of the eighteen (18) zoning districts:

"NAR" -    Northern Agricultural-Residential;  
"SAR" -    Southern Agricultural-Residential;  
"RR" -     Rural Residential;  
"SR" -     Suburban Residential;  
"DR" -     Development Residential;  
"TR" -     Town Residential;  
"VR" -     Village Residential;  
"RM" -     Multifamily Residential;  
"MH" -     Manufactured Home;  
"BL" -     Business - Local;  
"BG" -     Business - General;  
"BI" -     Business - Intensive;  
"MB" -     Maritime - Business;  
"M1" -     Light - Industrial;  
"M2" -     Heavy - Industrial;  
"MEA" -    Mineral Extraction A;  
"OS" -     Open Space;  
"BSU" -    Bainbridge Special Use.

- 2.**     The districts shall be established to regulate and restrict the location of residences, trades, industries, and buildings erected or altered for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit population density and the intensity of the use of lot areas; and to regulate and determine the areas of yards, courts, and other open spaces with and surrounding such buildings.

### **Part I            Agricultural-Residential Districts**

#### **Section 22.    NAR - Northern Agricultural-Residential District**

- 1.**     Purpose. The purpose of the Northern Agricultural-Residential zone is to maintain the existing rural character of the County by encouraging the continuation of agricultural and forestry uses. This zone is intended to prevent premature urbanization in areas where planned public facilities will only meet rural needs. The NAR also requires that the essential elements of rural character are included in new development. Low density residential development is permitted.

- 2. Maximum Residential Density Provisions.** Maximum permitted residential densities shall be as follows:

  - a.** One (1) dwelling unit per acre in minor subdivisions.
  - b.** One (1) dwelling unit per ten (10) acres shall be permitted in major subdivisions. Sixty (60) percent open space is required.
- 3. General Open Space Provisions.** A minimum of fifteen (15) percent common open space shall be required for all subdivisions involving ten (10) or more lots, unless a payment in lieu of open space has been made to the County's Purchase of Development Rights program. If common open space is provided, active/passive recreational amenities must be provided by the developer and be approved by the Planning Commission. The recreational amenities must be included in the Public Works agreement. Common open space shall be contiguous, accessible, a minimum of 35' wide, may include stormwater pond as an amenity, seeded and landscaped, and appropriate for recreational activities (i.e. graded, non wetlands, etc.)
- 4. Bufferyard Requirements.** Bufferyards shall be required on major subdivisions approved after the adoption of this Ordinance and shall meet the requirements of Sections 187 and 188 of this Ordinance. The following minimum bufferyards shall be required:

  - a.** Bufferyard from collector or arterial roadways shall be Bufferyard standard C in Appendix B.
  - b.** Bufferyard along internal streets - row of street trees.

(Amended 8/14/06, Effective 1/1/07)

- c. Bufferyard from agricultural uses shall be Bufferyard standard A in Appendix B.
  - d. The bufferyard requirement from agricultural uses in Subsection c. above may be waived by the Planning Commission if the principal structures are setback 300 feet from the boundary line.
5. Intra-family Transfer Density Waiver. One building lot may be created for transfer to a member of the immediate family, regardless of the one unit per acre minor subdivision density requirement provided that:
- a. The parcel to be subdivided was a lot of record as of the date of adoption of this Ordinance,
  - b. The parcel to be subdivided is less than two (2) acres in size,
  - c. The proposed subdivision would be considered a minor subdivision according to the Cecil County Subdivision Regulations,
  - d. The newly created lot cannot be transferred outside of the immediate family for five (5) years,
  - e. The parcel to be subdivided is not located within the Resource Conservation Area of the Critical Area, and
  - f. All of the provisions of this Ordinance and the Cecil County Subdivision Regulations are met.
6. The following items, when included in the design of a proposed subdivision, shall provide the necessary elements to maintain rural character:
- a. Preservation of natural vegetation along streams, woodlands, steep slopes, sensitive soils and non-tidal wetlands,
  - a. Compact development retaining open space or views of open space between subdivisions and along roads that provides for vistas across farm fields, wooded areas, or areas of natural vegetation,
  - b. Screening along roads with vegetative buffers to adjacent developments.

### **Section 23. SAR - Southern Agricultural-Residential District**

- 1. Purpose. The purpose of the Southern Agricultural-Residential zone is to encourage the retention and maintenance of agricultural land, agricultural industry and agriculturally-related uses, forestry and compatible rural uses to support the agricultural

economy of the County. This zone is intended to prevent the premature urbanization in areas where public facilities can only meet rural needs. Low density residential development is permitted.

- 2. Maximum Residential Density Provisions.** Maximum permitted residential densities shall be as follows:
  - a.** One (1) dwelling unit per acre in minor subdivisions.
  - b.** One (1) dwelling unit per twenty (20) acres shall be permitted in major subdivisions. Sixty (60) percent open space is required.
- 3. General Open Space Provisions.** A minimum of fifteen (15) percent common open space shall be required for all subdivisions involving ten (10) or more lots unless a payment has been made in lieu of open space to the County's Purchase of Development Rights program. If common open space is provided, active/passive recreational amenities must be provided by the developer and be approved by the Planning Commission. The recreational amenities must be included in the Public Works Agreement. Common open space must be contiguous, accessible, a minimum of 35' wide, may include stormwater pond as an amenity, seeded and landscaped, and appropriate for recreational activities (i.e. graded, non wetlands, etc.)
- 4. Bufferyard Requirements.** Bufferyards shall be required on major subdivisions approved after the adoption of this Ordinance and shall meet the requirements of Section 187 and 188 of this Ordinance. The following minimum bufferyards shall be required:
  - a.** Bufferyard from collector or arterial roadways shall be Bufferyard standard C in Appendix B.
  - b.** Bufferyard along internal streets - row of street trees.
  - c.** Bufferyard from agricultural uses shall be Bufferyard standard A in Appendix B.
  - d.** The bufferyard requirement from agricultural uses in Subsection c. above may be waived by the Planning Commission if the principal structures are setback 300 feet from the boundary line.

(Amended 8/14/06, Effective 1/1/07)

5. Intra-family Transfer Density Waiver. One building lot may be created for transfer to a member of the immediate family, regardless of the one unit per acre minor subdivision density requirement provided that:
  - a. The parcel to be subdivided was a lot of record as of the date of adoption of this Ordinance,
  - b. The parcel to be subdivided is less than two (2) acres in size,
  - c. The proposed subdivision would be considered a minor subdivision according to the Cecil County Subdivision Regulations,
  - d. The newly created lot cannot be transferred outside of the immediate family for five (5) years,
  - e. The parcel to be subdivided is not located within the Resource Conservation Area of the Critical Area, and
  - f. All of the provisions of this Ordinance and the Cecil County Subdivision Regulations are met.
6. The following items, when included in the design of a proposed subdivision, shall provide the necessary elements to maintain rural character:
  - a. Preservation of natural vegetation along streams, woodlands, steep slopes, sensitive soils and non-tidal wetlands,
  - c. Compact development retaining open space or views of open space between subdivisions and along roads that provides for vistas across farm fields, wooded areas, or areas of natural vegetation,
  - d. Screening along roads with vegetative buffers to adjacent developments.

## **Part II Residential Districts**

### **Section 24. RR - Rural Residential District**

1. Purpose. The purpose of the Rural Residential zone is to recognize existing developments and settlements in the rural and waterfront areas of the County. It is the intent of this Ordinance to permit uses in the RR zone that do not conflict with the residential character of these areas. Low density residential development is permitted.
2. Maximum Residential Density Provisions. Maximum permitted residential densities shall be as follows:



- a. One (1) dwelling unit per acre in minor subdivisions.
- b. One (1) dwelling unit per five (5) acres in **major subdivisions involving parcels greater than or equal to thirty (30) acres** except that the Planning Commission may permit a density of one (1) dwelling unit per three (3) acres if sixty (60) percent open space is provided. One buildable lot may be included in the sixty (60) percent open space requirement for bonus density provided that:
  - (1) A minimum of fifteen (15) percent common open space is provided,

- (2) Covenants are placed on the lot included in the open space that prohibit further subdivision, and
  - (3) The one lot included in the sixty (60) percent open space requirement shall be at least ten (10) acres.
- c. One (1) dwelling unit per five (5) acres in **major subdivisions involving parcels less than thirty (30) acres** except that the Planning Commission may permit a density of one (1) dwelling unit per three (3) acres if sixty (60) percent common open space is provided or if:
  - (1) All of the lots in the subdivision except one large lot, shall encompass no more than forty (40) percent of the original parcel, and
  - (2) The large lot shall contain the balance of the property. Said large lot shall be prohibited from further subdivision.
- 3. General Open Space Provisions. A minimum of fifteen (15) percent common open space shall be required for all subdivisions involving ten (10) or more lots.
- 4. Bufferyard Requirements. Bufferyards shall be required on major subdivisions approved after the adoption of this Ordinance and shall meet the requirements of Sections 187 through 188 of this Ordinance. The following minimum bufferyards shall be required:
  - a. Bufferyard from collector or arterial roadways shall be Bufferyard standard C in Appendix B.
  - b. Bufferyard along internal streets - row of street trees.
  - c. Bufferyard from agricultural uses shall be Bufferyard standard A in Appendix B.
  - d. The bufferyard requirement from agricultural uses in Subsection c. above may be waived by the Planning Commission if the principal structures are setback 300 feet from the boundary line.
- 5. Intra-family Transfer Density Waiver. One building lot may be created for transfer to a member of the immediate family, regardless of the one unit per acre minor subdivision density requirement provided that:
  - a. The parcel to be subdivided was a lot of record as of the date of adoption of this Ordinance,

- b.** The parcel to be subdivided is less than two (2) acres in size,
- c.** The proposed subdivision would be considered a minor subdivision according to the Cecil County Subdivision Regulations,
- d.** The newly created lot cannot be transferred outside of the immediate family for five (5) years,
- e.** The parcel to be subdivided is not located within the Resource Conservation Area of the Critical Area, and
- f.** All of the provisions of this Ordinance and the Cecil County Subdivision Regulations are met.

## **Section 25. SR - Suburban Residential District**

- 1.** Purpose. The purpose of the Suburban Residential Zone is to provide an appropriate development area for medium density residential development and to act as a transitional zone between rural and development areas. This zone is intended to reduce development pressure on rural areas. It is the intent of this zone to permit uses that are consistent with suburban character. Only those areas designated as Suburban, Development, Mineral Extraction or Town Districts on the Land Use Plan of the 1990 Comprehensive Plan shall be considered for this zone.
- 2.** Maximum Residential Density Provisions. Maximum permitted residential densities shall be as follows:
  - a.** Without Community Facilities - One (1) dwelling unit per acre.
  - b.** With Community Facilities - Two (2) dwelling units per acre.
  - c.** Planned Unit Development (PUD) - Four (4) dwelling units per acre.
  - d.** With the use of Transferred Development Rights and Community Facilities – Four (4) dwelling units per acre.
- 3.** Open Space Provisions.
  - a.** A minimum of fifteen (15) percent common open space shall be required for all subdivisions involving ten (10) or more lots.
  - b.** A minimum of thirty (30) percent common open space shall be required for Planned Unit Developments with densities greater than two (2) units per acre.
- 4.** Bufferyard Requirements. Bufferyards shall be required on major subdivisions approved after the adoption of this Ordinance and shall meet the requirements of

(Amended 8/14/06, Effective 1/1/07)

Section 187 and 188 of this Ordinance. The following minimum bufferyards shall be required:

- a.** Bufferyard from collector or arterial roadways shall be Bufferyard standard C in Appendix B.
  - b.** Bufferyard along internal streets - row of street trees.
  - c.** Bufferyard from agricultural uses shall be Bufferyard standard A in Appendix B.
  - d.** The bufferyard requirement from agricultural uses in Subsection c. above may be waived by the Planning Commission if the principal structures are setback 300 feet from the boundary line.
- 5.** Landscaping Requirements. Landscaping shall be required on major subdivisions approved after the adoption of this ordinance and shall meet the requirements of Article X of this Ordinance. A minimum of 20 percent of the development envelope shall be landscaped.
- 6.** Intra-Family Transfer Density Waiver. One building lot may be created for transfer to a member of the immediate family, regardless of the one unit per acre density requirement for subdivisions without community facilities provided that:
  - a.** The parcel to be subdivided was a lot of record as of the date of adoption of this Ordinance,
  - b.** The parcel to be subdivided is less than two (2) acres in size,
  - c.** The proposed subdivision would be considered a minor subdivision according to the Cecil County Subdivision Regulations,
  - d.** The newly created lot cannot be transferred outside of the immediate family for five (5) years,
  - e.** The parcel to be subdivided is not located within the Resource Conservation Area of the Critical Area, and
  - f.** All of the provisions of this Ordinance and the Cecil County Subdivision Regulations are met.

## **Section 26. DR - Development Residential District**

- 1.** Purpose. The purpose of the Development Residential zone is to provide for and encourage residential use in areas contiguous to existing population centers. Development in this district should be concentrated and served by public water and sewer, if possible. This concentrated development is intended to reduce development pressure on rural areas of the county. Only those areas designated as Development, Mineral Extraction, or Town District on the Land Use Plan of the 1990 Comprehensive Plan shall be considered for this zone.
- 2.** Maximum Residential Density Provisions. Maximum permitted residential densities shall be as follows:
  - a.** Without Community Facilities - One (1) dwelling unit per acre.
  - b.** With Community Facilities - Four (4) dwelling units per acre.
  - c.** Planned Unit Development (PUD) - Six (6) dwelling units per acre.
  - d.** With the use of Transferred Development Rights and Community Facilities – Twelve (12) dwelling units per acre.
- 3.** Open Space Provisions. Common Open Space shall be provided as stated below for subdivisions involving ten (10) or more lots or units:
  - a.** Subdivisions involving all detached single family dwelling units, 15 percent of the gross site area.
  - b.** Subdivisions involving any other type of dwelling unit, 20 percent of the gross site area.
  - c.** Planned Unit Developments with densities greater than four (4) dwelling units per acre, 25 percent of the gross site area.
- 4.** Bufferyard Requirements. Bufferyards shall be required on major subdivisions approved after the adoption of this Ordinance and shall meet the requirements of Section 187 and 188 of this ordinance. The following minimum bufferyards shall be required:
  - a.** Bufferyard from collector or arterial roadways - row of street trees.
  - b.** Bufferyard along internal streets - row of street trees.
  - c.** Bufferyard from agricultural uses shall be Bufferyard standard A in Appendix B.

(Amended 8/14/06, Effective 1/1/07)

- d. The bufferyard requirement from agricultural uses in Subsection c. above may be waived by the Planning Commission if the principal structures are setback 300 feet from the boundary line.
- 5. Landscaping Requirements. Landscaping shall be required on major subdivisions approved after the adoption of this ordinance and shall meet the requirements of Article X of this Ordinance. A minimum of 20 percent of the development envelope shall be landscaped.
- 6. Intra-Family Transfer Density Waiver. One building lot may be created for transfer to a member of the immediate family, regardless of the one unit per acre density requirement for subdivisions without community facilities provided that:
  - a. The parcel to be subdivided was a lot of record as of the date of adoption of this Ordinance,
  - b. The parcel to be subdivided is less than two (2) acres in size,
  - c. The proposed subdivision would be considered a minor subdivision according to the Cecil County Subdivision Regulations,
  - d. The newly created lot cannot be transferred outside of the immediate family for five (5) years,
  - e. The parcel to be subdivided is not located within the Resource Conservation Area of the Critical Area, and
  - f. All of the provisions of this Ordinance and the Cecil County Subdivision Regulations are met.

## **Section 27. TR - Town Residential District**

- 1. Purpose. The purpose of the Town Residential zone is to recognize and protect the land use and character of the towns. This district encourages development compatible with existing town development, incorporating efficient and orderly development at the periphery of incorporated towns. This consistency is to provide for extension of services and possible future annexation by the towns. It is the intent of this Ordinance that the boundaries of the Town Districts be consistent with those areas that the Towns may annex within the life of this Ordinance and are served or will be provided municipal sewer and water service.
- 2. Town Review. It is recognized that residential subdivisions could have a negative impact on the essential land-use characteristics of the Towns and could have a negative

effect on the Towns' ability to provide services in the future if the subdivisions are not designed consistent with Town policies, therefore:

- a.** Proposed subdivisions involving more than ten (10) lots or subdivisions with densities greater than one unit per acre must demonstrate that the proposed development is consistent with the land-use policies of the Town.
  - b.** Applicants proposing a subdivision of more than ten (10) lots or a subdivision with densities greater than one (1) dwelling unit per acre within the Town District shall submit a Sketch Plat to the appropriate Town officials for review and comment prior to seeking approval by the Cecil County Planning Commission. The ten (10) lot and density threshold established herein shall apply to the parcel of record as of the date of adoption of this Ordinance.
  - c.** At a minimum the Sketch Plat shall include the information required in Appendix A of this Ordinance and any other information the Town officials may require.
  - d.** In its review of the Sketch Plat, the Town may recommend additional requirements to County regulations as the Town deems necessary for the development to be consistent with the land-use policies of the Town. The Planning Commission may consider the recommendations of the Town officials in making its determination on the application.
- 3.** Maximum Residential Density Provisions. Maximum permitted residential densities shall be as follows:
  - a.** Without Community Facilities - One (1) dwelling unit per acre.
  - b.** With Community Facilities - Four (4) dwelling units per acre.
  - c.** Planned Unit Development (PUD) - Six (6) dwelling units per acre.
  - d.** With the use of Transferred Development Rights and Community Facilities – Six (6) dwelling units per acre.
- 4.** Open Space Provisions. Common Open Space shall be provided as stated below for subdivisions involving ten (10) or more lots or units:
  - a.** Subdivisions involving all detached single family dwelling units, 15 percent of the gross site area.
  - b.** Subdivisions involving any other type of dwelling unit, 20 percent of the gross site area.
  - c.** Planned Unit Developments with densities greater than four (4) dwelling units per acre, 25 percent of the gross site area.

(Amended 8/14/06, Effective 1/1/07)

**5. Bufferyard Requirements.** Bufferyards shall be required on major subdivisions approved after the adoption of this Ordinance and shall meet the requirements of Section 187 and 188 of this ordinance. The following minimum bufferyards shall be required:

- a.** Bufferyard from collector or arterial roadways - row of street trees.
- b.** Bufferyard along internal streets - row of street trees.
- c.** Bufferyard from agricultural uses shall be Bufferyard standard A in Appendix B.
- d.** The bufferyard requirement from agricultural uses in Subsection c. above may be waived by the Planning Commission if the principal structures are setback 300 feet from the boundary line.

**6. Landscaping Requirements.** Landscaping shall be required on major subdivisions approved after the adoption of this ordinance and shall meet the requirements of Article X of this Ordinance. A minimum of 20 percent of the development envelope shall be landscaped.

**7. Intra-Family Transfer Density Waiver.** One building lot may be created for transfer to a member of the immediate family, regardless of the one unit per acre density requirement for subdivisions without community facilities provided that:

- a.** The parcel to be subdivided was a lot of record as of the date of adoption of this Ordinance,
- b.** The parcel to be subdivided is less than two (2) acres in size,
- c.** The proposed subdivision would be considered a minor subdivision according to the Cecil County Subdivision Regulations,
- d.** The newly created lot cannot be transferred outside of the immediate family for five (5) years,
- e.** The parcel to be subdivided is not located within the Resource Conservation Area of the Critical Area, and
- f.** All of the provisions of this Ordinance and the Cecil County Subdivision Regulations are met.



## **Section 28. VR - Village Residential District**

- 1.** The purpose of the Village Residential zone is to provide for the protection of existing villages by allowing limited development consistent with the character of these villages. The essential historic and aesthetic character of villages should be reflected in the development within this district. This classification is meant to be applied in the immediate environs of the existing village and the extent of Village Residential district is to be limited to an appropriate area adjacent to existing village centers.
- 2.** It is recognized that residential subdivisions could have a negative impact on the essential land-use characteristics of the existing villages in the County therefore:
  - a.** All proposed subdivisions in the VR zone will be reviewed by the Technical Advisory Committee and the Planning Commission.
  - b.** Proposed subdivisions in the VR zone must demonstrate that the proposed development is consistent with the existing land-use character of the village.
  - c.** The landscape plans for the proposed development shall provide a visually harmonious and compatible setting for structures on the same lot and on adjoining or nearby lots and shall blend with the surrounding landscape. Natural appearing landscape forms are strongly encouraged; formal plans and the appearance of straight hedges are discouraged. The scale of the proposed landscaping shall be in proportion to the building. If is deemed appropriate the Planning Commission may require additional landscaping than is proposed.
  - d.** Afforestation or reforestation required under the terms of the Cecil County Forest Conservation Regulations for proposed regulated activities within or adjacent to the VR Zone shall give priority to the establishment of a greenbelt around the perimeter of the VR Zone.
- 3.** Lot Size, Lot Dimensions, Lot Coverage, Height, Open Space and Yard Requirements. It is the intent of these regulations to permit flexibility in lot, yard, open space and setback requirements and to encourage innovative and creative design in order to meet the objectives of this District. The setback, lot size, lot dimensions, lot coverage, height, open space and yard requirements in the Village District may be varied for each individual project by the Planning Commission. In establishing these requirements the Planning Commission shall consider such factors as the proposed intensity of the project, the existing character of the village, and all other County, State and federal requirements.

4. Maximum Residential Density Provisions. Maximum permitted residential densities shall be as follows:
  - a. Without Community Facilities - One (1) dwelling unit per acre.
  - b. With Community Facilities - Four (4) dwelling units per acre.
5. Landscaping Requirements. Landscaping shall be required on all subdivisions approved after the adoption of this Ordinance and shall meet the minimum requirements of Article X of this Ordinance. A minimum of twenty (20) percent of the development envelope shall be landscaped.
6. Intra-Family Transfer Density Waiver. One building lot may be created for transfer to a member of the immediate family, regardless of the one unit per acre density requirement for subdivisions without community facilities provided that:
  - a. The parcel to be subdivided was a lot of record as of the date of adoption of this Ordinance,
  - b. The parcel to be subdivided is less than two (2) acres in size,
  - c. The proposed subdivision would be considered a minor subdivision according to the Cecil County Subdivision Regulations,
  - d. The newly created lot cannot be transferred outside of the immediate family for five (5) years,
  - e. The parcel to be subdivided is not located within the Resource Conservation Area of the Critical Area, and
  - f. All of the provisions of this Ordinance and the Cecil County Subdivision Regulations are met.

## **Section 29. RM - Multifamily Residential District**

1. Purpose. The purpose of the Multifamily Residential zone is to provide areas for relatively high density residential development with opportunity for a compatible variety of housing types, limited commercial and service-oriented uses and suitable open spaces. A variety of housing types is encouraged throughout the entire zone and within a particular development. It is further intended to permit flexibility in lot and yard regulations to encourage innovative and creative design to the extent that a superior and harmonious living environment and an efficient overall use of land is achieved.

**2.** Maximum Residential Density Provisions. Maximum permitted residential densities shall be as follows:

- a.** Without Community Facilities - Two (2) dwelling units per acre.
- b.** With Community Facilities:
  - (1)** Detached Single Family Units- Six (6) dwelling units per acre.
  - (2)** Duplex Units - Six (6) dwelling units per acre.
  - (3)** Semi-detached Units - Six (6) dwelling units per acre.
  - (4)** Townhouse Units - Twelve (12) dwelling units per acre.
  - (5)** Apartment Units - Sixteen (16) dwelling units per acre.

**3.** All development in the RM zone shall comply with the following:

- a.** Adequate pedestrian access shall be provided throughout all developments.
- b.** The development shall be designed in such a way to allow for adequate access throughout the site for emergency vehicles and apparatuses.
- c.** Parking areas should be separated from the main vehicular circulation system.
- d.** All areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by lawns, trees, shrubs, gardens, or other suitable ground cover.

**4.** Townhouse and Apartments

- a.** Townhouse and apartment developments shall be served by public water and sewer facilities.
- b.** In townhouse and apartment developments, provided that all buildings are located to provide access for servicing, fire protection and off-street parking, lots may front on open space, courts or group parking areas.

- c.** No building shall be constructed closer to any other building on the same lot than a distance equal to the height of the higher of the two buildings. The space between two buildings can be reduced to a distance equal to half of the taller of the two buildings provided that:

  - (1)** The spacing is approved by the Emergency Services representative to the Technical Advisory Committee; and
  - (2)** The buildings are oriented side to side, or corner to corner; and
  - (3)** The reduction in the building spacing requirement will allow for additional usable open space to be provided on the site; and
  - (4)** The buildings are designed in clusters rather than strips.
- d.** No apartment building in this zone shall be constructed closer to any property line of the development tract than a distance equal to the height of the building.
- e.** No more than eight (8) dwelling units shall be contained in a townhouse structure without a setback between structures as specified below.
- f.** The minimum distance between townhouse structures shall be sixty (60) feet if townhouse structures are face to face. The point of measurement shall be the exterior walls of the structures and does not include balconies or other architectural features.
- g.** No townhouse structure shall be closer than twenty (20) feet to any interior roadway or closer than fifteen (15) feet to any off-street parking area excluding garages built into an individual townhouse unit.
- h.** Apartment buildings shall be set back at least twenty (20) feet from all parking areas and internal roads.
- i.** Apartment buildings shall be set back 50 feet from any right-of-way or road widening easement of collector or arterial roadways as defined on the Official Cecil County Roadway Classification Map.
- j.** The maximum length of an apartment building shall be 300 feet.
- k.** The minimum lot size for townhouse and/or apartment development shall be one acre.

- 5. Landscaping and Bufferyards.** Landscaping and bufferyards shall be required on all development over five (5) units and shall meet the requirements of Article X of this Ordinance.
- a.** The following landscaping and bufferyards shall be required:
    - (1)** A minimum of 25 percent of the development envelope shall be landscaped.
    - (2)** A minimum 25 foot bufferyard meeting the C standard in Appendix B shall be provided around the perimeter of the development tract. No parking areas, roadways, or accessory structures shall be permitted in the 25 foot planted bufferyard.
- 6. Open Space Provisions.** Common open space shall be provided as stated below and shall not include roads, parking areas or accessory structures unless permitted by the Planning Commission and shall be improved by the developer with recreational amenities as required by the Planning Commission:
- a.** Subdivisions involving all detached single family dwellings units, 15 percent of the gross site area.
  - b.** Development involving any other type of dwelling unit, 20 percent of the gross site area.
- 7. Business Establishments.** Certain business uses shall be permitted in the RM zone provided:
- a.** The gross floor area of such establishments does not exceed ten (10) square feet for every dwelling unit approved in the development.
  - b.** Business uses shall only be approved under these provisions for developments approved after the adoption of this ordinance.
  - c.** The BL zone portion of the Table of Permissible Uses shall apply to business portions in a development in the RM zone,
  - d.** The requirements of the BL zone shall apply to business uses in a development in the RM zone.
  - e.** No business establishment approved under these provisions shall have direct access onto a collector roadway or arterial roadway as defined on the Official Cecil County Roadway Classification Map, and

- f.** Where such business uses are located in apartment buildings, they shall be limited to the first floor of such buildings, and shall not be permitted in more than one building on the development tract.
- 8.** Business Establishment Phasing. Any portions or parcels of a development in the RM zone designated for business uses shall be shown as such on the site plan to be reviewed. No business establishment shall be constructed until twenty-five percent (25%) of the residential units are constructed.

### **Section 30. MH - Manufactured Home District**

- 1.** The purpose of this zone is to provide areas where grouping of manufactured homes may occur in an appropriate, sanitary, and attractive environment including related recreational, and service facilities.
- 2.** Maximum Residential Density Provisions:
  - a.** Manufactured Home Subdivision Without Community Facilities - Two (2) dwelling units per acre.
  - b.** Detached Dwelling Subdivision Without Community Facilities - Two (2) units per acre.
  - c.** Manufactured Home Subdivision With Community Facilities - Four (4) dwelling units per acre.
  - d.** Detached Dwelling Subdivision With Community Facilities - Four (4) units per acre
  - e.** Manufactured Home Parks - six (6) units per acre.
- 3.** General Requirements:
  - a.** Manufactured Home Parks shall be permitted in accordance with Section 78 of this Ordinance and shall be developed in accordance with the Cecil County Subdivision Regulations.
  - b.** Lot, yard and height requirements for manufactured home subdivisions shall be those as specified for detached dwellings in the DR zone.
  - c.** Open space, bufferyard and landscaping requirements for manufactured home subdivisions shall be those as specified for detached dwellings in the DR zone

- d. Manufactured homes on lots not part of a manufactured home park or a manufactured home subdivision shall be limited to one manufactured home per lot, unless a special exception is granted by the Board of Appeals and shall meet the setbacks as specified for detached dwellings in the DR zone.
  - e. Detached dwellings on lots of record or in detached dwelling subdivisions shall meet the requirements of the Table of Lot, Yard and Height for detached dwellings in the DR zone.
4. Special Requirements for Manufactured Homes. All manufactured homes not on permanent foundations shall be provided with skirting which effectively encloses from view the space between the ground and the floor of the manufactured home. Existing manufactured homes not in conformance with this requirement shall effect such conformance within six (6) months of the date of adoption of this ordinance.

### **Part III Commercial/Business Districts**

#### **Section 31. BL - Business - Local District**

- 1. The purpose of the Business-Local (BL) zone is to provide for a limited variety of small commercial retail, personal and professional uses and other appropriate related commercial uses, activities and combinations thereof serving the day-to-day needs of the adjacent local community without intruding on the general character of the surrounding area. Standards are established compatible with low-density residential districts, resulting in similar building bulk and low concentration of vehicular traffic.
- 2. General Requirements:
  - a. Any building or additions to buildings occupying more than 1,000 square feet of floor space, or any use or expansions of use occupying more than 1,000 square feet of land shall only be approved according to a major site plan approved in accordance with Section 291.
  - b. Any building or additions to buildings occupying less than 1,000 square feet of floor space, or any use or expansions of use occupying less than 1,000 square feet of land shall only be approved according to a minor site plan approved in accordance with Section 290.
  - c. The square footage of existing structures and uses shall be considered in determining the need for a site plan.
  - d. No more than three (3) permitted activities, uses or combinations thereof may occur on any record parcel as of the date of this Ordinance. Further, all permitted commercial activities and uses shall not exceed three thousand (3000)

(Amended 3/6/07)

square feet in gross floor area, except that where two (2) or less permitted commercial activities, or combinations thereof exist on any single parcel, the maximum gross floor area for such activities and/or uses may increase up to five thousand (5,000) square feet for each use.

- e. Outdoor storage. Outdoor storage or display of goods and/or services or ancillary items shall not be permitted in this zone. Express exemptions occur for "nurseries" and "farmers markets", and those determined by the Zoning Administrator by written consent or policy determination.
- 3. Bufferyards and screening requirements. Bufferyards shall be required on all new development requiring a major site plan after the adoption of this Ordinance and shall meet all requirements of Article X of this Ordinance. The following shall be considered minimum bufferyard standards for all development:
  - a. Bufferyard from collector or arterial roadways shall be Bufferyard standard B in Appendix B.
  - b. Bufferyard along internal streets and roadways - row of street trees.
- 4. Landscaping. Landscaping of at least twenty (20) percent of the development envelope shall be required for new development requiring a major site plan and shall meet the requirements of Article X of this Ordinance.

## **Section 32. BG - Business - General District**

- 1. The purpose of the Business-General (BG) zone is to provide for commercial uses, activities and combinations thereof of a general nature including retail, wholesale, and business intended to service an area of several local communities. Further, the intent is not to create new "strip" patterns along the roadways, but to encourage integrated plans with concordant site design to reduce trip lengths.
- 2. General Requirements:
  - a. Any building or additions to buildings occupying more than 1,000 square feet of floor space, or any use or expansions of use occupying more than 1,000 square feet of land shall only be approved according to a major site plan approved in accordance with Section 291.
  - b. Any building or additions to buildings occupying less than 1,000 square feet of floor space, or any use or expansions of use occupying less than 1,000 square feet of land shall only be approved according to a minor site plan approved in accordance with Section 290.



- c. The square footage of existing structures and uses shall be considered in determining the need for a site plan.
  - d. Outdoor storage. Outdoor storage or display of goods and/or services or ancillary items shall be permitted in this zone. No storage or parking may occur in required bufferyards.
3. Bufferyards and screening requirements. Bufferyards shall be required on all new development requiring a major site plan after the adoption of this ordinance and shall meet all requirements of Article X of this ordinance. The following shall be considered minimum bufferyard standards for all development:
- a. Bufferyard from collector or arterial roadways shall be Bufferyard standard C in Appendix B.
  - b. Bufferyard along internal streets and roadways - row of street trees.
4. Landscaping. Landscaping of at least twenty-five (25) percent of the development envelope shall be required for new development requiring a major site plan and shall meet the requirements of Article X of this Ordinance.

### **Section 33. BI - Business - Intensive District**

1. The purpose of the Business-Intensive (BI) zone is to provide for placement of high intensity commercial areas and associated activities, uses and establishments where impacts may be ameliorated. Further, these zones will provide a wide range of business opportunity intended to serve county-wide or regional areas. Such activities, uses and establishments shall be located within the "Development District" as described in the Comprehensive Plan and have points of access from principal or major arterial roads.
2. General Requirements:
- a. A Major Site Plan must be submitted for any new development proposed in this zone in accordance with Section 291, and approved by the Cecil County Office of Planning and Zoning.
  - b. In determining whether to approve or disapprove a major site plan in the BI Zone, the Office of Planning and Zoning shall consider the following:
    - (1) The impact of the proposed development on existing or planned public facilities;
    - (2) The impact of the operation of the proposal on the surrounding area;

- (3) The effect and/or influence the proposal might have on the health, safety, and welfare of the residents and employees of the neighborhood.
- 3. Bufferyards and screening requirements. Bufferyards shall be required on all new development approved after the adoption of this ordinance and shall meet all requirements of Article X of this Ordinance. The following shall be considered minimum bufferyard standards for all development:
  - a. Bufferyard from collector or arterial roadways shall be Bufferyard standard D in Appendix B.
  - b. Bufferyard along internal streets and roadways - row of street trees.
- 4. Landscaping. Landscaping of at least twenty-five (25) percent of the development envelope shall be required for new development requiring a major site plan and shall meet the requirements of Article X of this Ordinance.

#### **Section 34. MB - Maritime - Business District**

- 1. The purpose of the Maritime-Business (MB) zone is to provide for water-dependent and water-oriented commercial uses, activities and combinations thereof of a general nature including retail, wholesale, and business permitted in certain areas within the Chesapeake Bay Critical Area. Further, the intent is not to create new "strip" patterns along the waterways and local roadways, but to encourage integrated plans with concordant site design to reduce trip lengths and ameliorate environmental impacts.
- 2. General Requirements:
  - a. All new uses must meet all applicable Local, State and Federal requirements, specifically the requirements of this Ordinance, particularly Article XI, the Cecil County Chesapeake Bay Critical Area Program, and be approved by the Cecil County Office of Planning and Zoning.
  - b. Any building or additions to buildings occupying more than 1,000 square feet of floor space, or any use or expansions of use occupying more than 1,000 square feet of land shall only be approved according to a major site plan approved in accordance with Section 291.
  - c. Any building or additions to buildings occupying less than 1,000 square feet of floor space, or any use or expansions of use occupying less than 1,000 square feet of land shall only be approved according to a minor site plan approved in accordance with Section 290.

- d. The square footage of existing structures and uses shall be considered in determining the need for a site plan.
- 3. Bufferyards and screening requirements. Bufferyards shall be required on all new development approved after the adoption of this ordinance and shall meet all requirements of Article X of this Ordinance. The following shall be considered minimum bufferyard standards for all development:
  - a. Bufferyard from collector and arterial roadways - row of street trees.
  - b. Bufferyard along internal streets and roadways - row of street trees.
- 4. Landscaping. Landscaping of at least twenty-five (25) percent of the development envelope shall be required for new development requiring a major site plan and shall meet the requirements of Article X of this Ordinance.
- 5. Environmental Assessment Report Requirements. An Environmental Assessment Report which provides a coherent statement of how the proposed development in the MB zone addresses the goals and objectives of the Cecil County Chesapeake Bay Critical Area Program shall be prepared for any proposed new development. At a minimum the Environmental Assessment shall include the requirements found in Appendix A.

## **Part IV Industrial Districts**

### **Section 35. M1 - Light - Industrial District**

- 1. The purpose of the Light-Industrial (M1) zone is to provide for the placement of business/professional office complexes, research and development, and certain industrial uses, activities and establishments that are compatible with commercial and residential uses, activities and establishments. This zone is intended to permit less outwardly intensive uses, activities and establishments. These uses, activities and establishments shall not involve the processing of materials for shipment in bulk form where operations are conducted outside of enclosed buildings.
- 2. General Requirements
  - a. A Major Site Plan must be submitted for any new development proposed in this zone in accordance with Section 291, and approved by the Cecil County Office of Planning and Zoning.
  - b. Temporary outdoor storage pending shipment is permitted.

- c. In determining whether to approve or disapprove a major site plan in the M1 Zone, the Office of Planning and Zoning shall consider the following:
  - (1) The impact of the proposed development on existing or planned public facilities;
  - (2) The impact of the operation of the proposal on the surrounding area;
  - (3) The effect and/or influence the proposal might have on the health, safety, and welfare of the residents and employees of the neighborhood
- 3. Bufferyards and screening requirements. Bufferyards shall be required on all new development approved after the adoption of this ordinance and shall meet all requirements of Article X of this ordinance. The following shall be considered minimum bufferyard standards for all development:
  - a. Bufferyard from collector or arterial roadways shall be Bufferyard standard D in Appendix B.
  - b. Bufferyard along internal streets and roadways of industrial parks - row of street trees.
  - c. Bufferyards between the industrial use and any residential zone shall be Bufferyard standard D in Appendix B.

### **Section 36. M2 - Heavy - Industrial District**

- 1. The Heavy-Industrial (M2) zone is established to provide for industrial uses of a larger scale and more intensive usage, with areas of uncovered storage. The purpose of the Heavy-Industrial (M2) zone is to provide for a wide range of business/professional, research and development, manufacturing and processing, and industrial uses, activities and establishments which are compatible with adjacent uses to the extent that any adverse effects on health, safety, welfare, or the environment are avoided.
- 2. General Requirements
  - a. A Major Site Plan must be submitted for any new development proposed in this zone in accordance with Section 291, and approved by the Cecil County Office of Planning and Zoning.

- b. In determining whether to approve or disapprove a major site plan in the M2 Zone, the Office of Planning and Zoning shall consider the following:
      - (1) The impact of the proposed development on existing or planned public facilities;
      - (2) The impact of the operation of the proposal on the surrounding area;
      - (3) The effect and/or influence the proposal might have on the health, safety, and welfare of the residents and employees of the neighborhood
- 3. Bufferyards and screening requirements. Bufferyards shall be required on all new development approved after the adoption of this ordinance and shall meet all requirements of Article X of this Ordinance. The following shall be considered minimum bufferyard standards for all development:
  - a. Bufferyard from collector or arterial roadways shall be Bufferyard standard E in Appendix B.
  - b. Bufferyard along internal streets and roadways of industrial parks - row of street trees.
  - c. Bufferyards between the industrial use and any residential zone shall be Bufferyard standard E in Appendix B.

## **Part V Resource Protection and Resource Utilization Districts**

### **Section 37. OS - Open Space District**

The purpose of the Open Space District is to: (1) preserve open areas of the County as areas for development of active or passive outdoor recreation use; (2) protect existing natural resources and areas of scenic, historic, or cultural value; and, (3) provide locations for public utilities and other public uses including governmentally operated uses.

### **Section 38. MEA - Mineral Extraction A District**

- 1. The purpose of the MEA zone is to protect economically important mineral resources of the County for current and future use; to prevent incompatible development that may directly or indirectly preclude access to the mineral resources until such time that the resource can be removed; and to protect existing land uses adjacent to potential mineral lands from undue harm that may result from mineral extraction activity. This zoning classification shall only apply certain areas found within the Mineral Extraction District on the Land Use Plan of the 1990 Cecil County Comprehensive Plan. Further, it is intended that this zoning classification only apply to those portions of the Mineral

Extraction District where the potential for conflict between adjacent current and future land uses and the mineral extraction activities are minimal.

2. Maximum Residential Density Provisions. Maximum permitted residential densities for minor and major Subdivisions shall be one (1) dwelling unit per fifty (50) acres.
3. Lot, yard and height requirements for residential development in the MEA zone shall be those specified for detached dwellings in the NAR zone.
4. Industrial uses in MEA:
  - a. Permissible uses. The industrial uses that shall be permissible in the MEA zone shall be the same as those permitted (P) and permitted with conditions (PC), in the M1 and M2 zones. Any conditions that apply to a use in the M1 and M2 zones shall apply. If a use is permitted in both zones, the more restrictive conditions shall apply.
  - b. Each proposed industrial activity in the MEA shall adhere to Section 291 – Major Site Plans.
  - c. Property owner of the MEA zoned property affected by this subsection shall demonstrate and certify that the mineral is economically unrecoverable or that this mineral resource is recovered.
  - d. These provisions shall only apply in MEA zoned areas affected by this subsection that are contiguous to existing BG, BI, M1, or M2 zoned areas.
  - e. No more than fifteen percent (15%) of MEA contiguous lands may be utilized under these provisions without adhering to Section 38.5.a-c.
5. Amendments to the MEA Zone.
  - a. The MEA zoning designation of a parcel is an interim designation and shall be amended once the mineral resource is recovered or is found to be economically unrecoverable. Before the zoning classification of a parcel can be changed from an MEA zone, the Comprehensive Plan shall first be amended to change the land use classification of the parcel from the Mineral Extraction District to another land use district. The ultimate land use district of a parcel once the mineral is recovered or is found to be economically unrecoverable shall be determined in the context of the goals and objectives of the Comprehensive Plan in effect at the time. Amendments shall be forwarded by the property owner through the amendment process described in this Ordinance.
  - b. Once the land use district of the parcel has been changed, the property owner may propose a rezoning of the parcel to a zoning classification that implements

the goals and objectives of the land use classification. Cecil County may propose a change in the zoning classification during a Comprehensive rezoning.

- c. All Comprehensive Plan amendments and zoning classification amendments shall adhere to the procedural requirements as amended in Article 66B.

### **Section 39. BSU - Bainbridge Special Use**

1. The purpose of the BSU zone is to provide an opportunity for a large mixed use center containing residential, commercial, recreation, open space, retail, warehouse and light industrial uses on the former Bainbridge Naval Training Center property. This zoning classification shall only apply to the parcel currently known as the former Bainbridge Naval Training Center. The property is currently owned by the U.S. Navy, which has agreed to transfer title to the Maryland Economic Development Corporation (MEDCO). Due to its size and the desire of the County to maximize the potential economic benefits to the County from the development of this site, it is not practical to assign standard zoning district classifications to the site. The BSU zone provides a framework for the development to occur over the long term while allowing maximum flexibility to accommodate economic changes in the marketplace. The BSU zone is consistent with the Cecil County Comprehensive Plan.
2. Permissible Uses. The uses that shall be permissible in the BSU zone shall be the same as those permitted (P) and permitted with conditions (PC), permitted as special exception (SE), and permitted as special exception with conditions (SC) in the RM and BI zones, and uses permitted (P) in the M1 and M2 zones. Any condition(s) that applies to a use on the RM, BI, M1, or M2 zones shall also apply to that use in the BSU zone. If a use is permitted in more than one zone (i.e., BI and M1), the more restrictive conditions shall apply.
3. Review Process. Each proposed activity in the BMU zone shall be submitted to the Cecil County Planning Commission for a recommendation and the County Commissioners for a final decision. The application shall be in the form of a Sketch Plat in accordance with Appendix A of this Ordinance. If the Sketch Plat is approved by the County Commissioners, the applicant shall submit a Major Site Plan in accordance with Section 291 of this Ordinance for employment or open space uses, or preliminary and final plans in accordance with the Subdivision Regulations for residential uses.
4. Review Criteria. Each proposed activity in the BMU zone shall be reviewed by the Planning Commission and the County Commissioners for consideration of the following:
  - a. The impact of the proposed activity on existing or planned public facilities.

- b. The effect of the proposed activity on the surrounding area.
  - c. The effect and/or influence the proposal may have on the health, safety, and welfare of the residents and employees of the neighborhood.
  - d. Relationship of the proposed activity to the Cecil County Comprehensive Plan.
- 5. Flexibility in Design. The BSU zone permits flexibility in lot and yard requirements, to encourage a creative design without endangering the health, safety and welfare of residents and employees in and near the BSU zone.
- 6. Open Space. Open space shall be provided during the different phases of development of the BSU zone in a manner consistent with the type, scale, density, and intensity of the proposed uses. Said open space shall provide for the following:
  - a. Connections, wherever possible, to existing and planned open space within and adjoining the BSU zone.
  - b. Protection of environmentally sensitive areas.
  - c. Adequate usable land in appropriate locations for parks, recreation facilities and greenways.
  - d. A transition, wherever possible, between different uses within and adjacent to the BSU zone.
- 7. Landscaping. A minimum of twenty-five (25) percent of the development envelope used for residential or employment uses within the BSU zone shall be landscaped in accordance with Article X. Landscaping plans may be approved in sections but should follow an overall harmonious theme throughout the BSU zone. Landscaping berms shall be used as a buffer between incompatible uses within and adjacent to the BMU zone.

## **Part VI Other Zoning Districts**

### **Section 40. Floating Zones**

1. Purpose. Floating zones are zones that have areas designated for them in the Cecil County Comprehensive Plan but are not mapped out in detail at the time of adoption of the most recent comprehensive revision to the Cecil County Zoning Ordinance. The purpose of the designated floating zones is to permit the mapping of areas for land uses that require land area over the next 20 years. The designated floating zone provides a mechanism for the establishment of the district in appropriate areas, limiting the areas to be zoned and setting conditions that must be met by any development proposal



seeking such a designation. Further, the procedure is two-stage so that the initial costs are not prohibitive.

2. Designation of Floating Zones. The following Special Zoning Districts are designated as floating zones:
  - a. Growth Allocation District - GA
  - b. Special Growth Allocation District - SGA

The County Commissioners and Planning Commission find that it is not able to locate these areas with precision in advance and that it is desirable to leave specific locations and conditions for future determination as the County grows and specific needs develop.

#### **Section 41. Special Overlay Districts**

1. The purpose of a special overlay district is to achieve the preservation or enhancement of a designated geographic area of special and substantial public interest. The overlay district regulations are intended to supplement the regulations of the underlying zoning districts and serve to extend, modify, or alter the regulations imposed by the established zoning classification(s) in said area to accomplish the special public purpose for which the district is established. Such districts established herein may be modified or expanded or new districts may be created, by amendment to this Ordinance.
2. The following are Special Overlay Districts:
  - a. Critical Area District (See Article XI, Part I)
  - b. MEB Mineral Extraction District B (See Article XI, Part II)
  - c. Floodplain Management District (Article XI Part III)

**Section 42. Reserved**

**Section 43. Reserved**

**Section 44. Reserved**

(Amended 8/1/95)

## **ARTICLE IV            PERMISSIBLE USES**

### **Section 45.    Permitted Uses**

- 1.**     For the purpose of this Ordinance, permitted uses are listed for the various zoning districts. Unless the contrary is clear from the context of the list of permitted uses or other regulations contained within this Ordinance, uses not specifically permitted are prohibited.
- 2.**     No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the exception of the following:
  - a.**     Special exceptions, approved by the Board of Appeals, in accordance with the provisions of Article XVII, Part II of this Ordinance.
  - b.**     Planned Unit Developments approved as a Special Exception by the Board of Appeals, in accordance with the provisions of Article XII of this Ordinance.
- 3.**     Uses lawfully existing on the effective date of this Ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Article XVIII of this Ordinance.

### **Section 46.    Use of the Designations P, SE, SC and PC in the Table of Permissible Uses**

When used in connection with a particular use in the Table of Permissible Uses, the letter "P" means that the use is permissible in the indicated zone with a zoning certificate issued by the Zoning Administrator. The letters "SE" mean a special exception permit must be obtained. The letters "SC" mean a special exception permit must be obtained from the Board of Appeals and that the proposed use must meet certain conditions for approval. The letters "PC" mean that the use is permissible with conditions.

### **Section 47.    No More Than One Principal Structure on a Lot**

- 1.**     Every structure hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot of record and in no case shall there be more than one (1) principal structure on a lot unless as provided in 2 below.
- 2.**     More than one principal structure may be located upon a lot in the following instances; subject to the lot, yard and density requirements and other provisions of this Ordinance:
  - a.**     Institutional buildings.

- b.** Public or semi-public buildings.
- c.** Multiple family dwellings.
- d.** Commercial or industrial buildings.
- e.** Manufactured Home Parks.
- f.** Campgrounds.
- g.** Additional principal structures with the prior approval of the Zoning Administrator.
- h.** Condominiums.

**Section 48. Permitted Uses in Yards**

- 1.** The following shall be permitted in the required yards.
  - a.** In all yards:
    - (1)** Open or unenclosed porches, decks, platforms or terraces, not permanently roofed-over, awnings and canopies, provided that none of the above project into the yard more than six (6) feet or one-half the set back distance whichever is the lesser.
    - (2)** Steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting 24 inches or less into the yard.
    - (3)** Recreational, e.g., swing set, sandbox, etc., and clothes line.
    - (4)** Approved freestanding signs, arbors and trellises.
    - (5)** Flag poles
    - (6)** Fences or walls subject to Section 50.
    - (7)** Bay windows projecting three (3) feet or less into the yards.
    - (8)** Overhanging eaves and gutters projecting three (3) feet or less into the yard.

- b.** In rear and side yards only:
    - (1)** Balconies or outside elements of air conditioning systems, extending not more than four (4) feet into the yard.
    - (2)** Breezeways and open porches.
- 2.** Permitted obstructions and detached accessory structures shall not, in the aggregate, occupy more than thirty (30) percent of any required yard.

#### **Section 49. Accessory Buildings and Uses**

- 1.** Other than as established herein, no accessory building shall project beyond a required set back line.
- 2.** Accessory buildings in residential zones which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a side or rear yard provided such accessory building does not occupy more than 30 percent of the area of the required yard and provided it is not located closer than ten (10) feet to a rear lot line nor closer than ten (10) feet to a side lot line.
- 3.** Accessory structures consisting of docks, piers, boathouses, and launching ramps are permitted in the front yard of a waterfront lot as provided in Section 169 and 198 of this Ordinance.
- 4.** Gas Pumps. Filling station pumps and pump islands may occupy the required yards, provided, however, that they are not less than thirty (30) feet from street right-of-way lines.
- 5.** Swimming Pools. Accessory swimming pools may occupy a rear or side yard provided they are not located closer than ten (10) feet to a rear or side lot line. A walk space at least six (6) feet wide shall be provided between pool walls and protective fences or barrier walls. All in-ground pools shall be enclosed by a fence approved by the Cecil County building inspector which shall be at least four (4) feet in height. Swimming pools may occupy a front yard of waterfront lots.
- 6.** A satellite dish may occupy a rear or side yard provided it is appropriately screened.
- 7.** Dispensing devices (in zones where permitted) with a height of not over six (6) feet, except for Automated Teller Machines, shall be exempt from the established front yard or corner side yard requirements, but all such dispensing devices shall be set back from the front lot line and the corner side lot line a distance of not less than 20 feet.

8. The following activities, so long as they are subordinate and incidental, are specifically regarded as accessory to residential principal uses:
  - a. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities, so long as such activities do not fall within the definition of a home occupation.
  - b. Hobbies or recreational activities of a noncommercial nature.
  - c. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.
  - d. Private piers and docks may be permitted in residential zones even if no principal use exists on the lot.
9. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational shall not be regarded as accessory to a residential principal use.
10. Storage outside of a substantially enclosed structure of any boat that does not have a valid Maryland use sticker displayed, does not have a valid Maryland certificate of number displayed, or does not have a valid number issued by the federal government or another state government displayed, shall not be permitted in any zone unless it is located in a licensed salvage yard.

#### **Section 50. Fences and Walls**

1. At driveways or other vehicular egress points, no fence or wall shall be erected which obstructs the view of the road from such point of egress.
2. All in-ground pools shall be enclosed by a fence approved by the Cecil County Building Inspector which shall be at least four (4) feet in height.

#### **Section 51. Temporary Buildings and Uses for Construction Purposes**

Temporary structures for construction purposes are permitted in any zone only upon issuance of a permit for same by the Building Inspector. The purpose of the structure or use shall be solely to assist or take part in construction activities, or to provide temporary living quarters for a family during construction of a permanent dwelling for that family.

1. The permit may be granted for a specified period of time not more than six (6) months, renewable at the discretion of the Zoning Administrator for additional periods, providing construction of the principal structure has begun, not to exceed six (6) months each period. For single residential lots, the maximum period of any permit, including renewals, shall be two (2) years. For other than single residential lots, renewals may be granted for six (6) month periods provided that construction activity has occurred during the six month period prior to any renewal.

2. Provision shall be made to assure adequate light and air to adjacent properties and to prevent undue harm to adjacent properties in the form of noise, smoke, odors, dust, or safety hazards.
3. For purposes of this regulation, construction is considered to have begun upon completion of the initial inspection by the County Building Inspector.

## **Section 52. Permissible Uses Not Requiring Permits**

Notwithstanding any other provisions of this chapter, no zoning or special-exception permit is necessary for the following uses:

1. Streets.
2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures.
3. Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or county) of the right-of-way.
4. Fences.

## **Section 53. Change in Use**

A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever the change involves a change from one principal use category to another.

## **Section 54. Permissible Uses Tables**

1. More specific use controls. Whenever a development could fall within more than one use classification in the Table of Permissible Uses, the classification that most closely and most specifically describes the development controls.
2. Whenever the Table of Permissible Uses contradicts the Specific Supplemental Use Regulations, the Specific Supplemental Use Regulations shall apply.
3. The Chesapeake Bay Critical Area Overlay District. Some uses permitted in any particular zoning classification have been determined to be inappropriate in the Chesapeake Bay Critical Area Overlay District - Resource Conservation Areas (RCA's) within the County. To site or expand these uses, Growth Allocation as described in Article XI, Part I shall be required prior to receiving final approvals. These uses are defined by an asterisk (\*) within the chart. If any particular use or project is determined to be appropriate in the RCA by the Chesapeake Bay Critical Area

Commission (CBCAC) in response to a request for clarification forwarded by the County, such use may not require Growth Allocation. Development projects undertaken by Cecil County government agencies are regulated by COMAR 27.02, adopted by the CBCAC. Under these regulations, the County must certify to the CBCAC that individual government projects are consistent with the Cecil County Critical Area Program.

**4. Table of Permissible Uses (see following)**

**Section 55. Reserved**

**Section 56. Reserved**

**TABLE OF PERMISSIBLE USES  
STARTS ON NEXT PAGE**



## Section 54.4 Table of Permissible Uses

USES DESCRIPTION (Article V Citation)	ZONES																
	NAR	SAR	RR	SR	TR	VR	DR	MH	RM	BL	BG	BI	MB	M1	M2	MEA	OS
<b>1.00.000 AGRICULTURAL USES</b>																	
1.01.000 Agricultural operations, farming																	
1.01.100 Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
1.01.110 Agricultural Product Sales (Section 58)	PC	PC								P	P	P					
1.01.200 Agricultural Equipment Sales (Section 57)	SC	SC								P	P	P					
1.01.300 Animal Husbandry (Section 58)	PC	PC	PC	PC	PC	PC	PC							PC	PC	PC	PC
1.01.400 Slaughterhouses (Section 59)*	SC	SC												PC	P		
1.01.500 Roadside Stand (Section 60)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
1.01.600 Commercial Stables (Section 61)	PC	PC	PC	PC	PC	PC				P	P	P		P	P	P	PC
1.02.000 Aquaculture	P	P											P		P	P	P
1.03.000 Fisheries											P	P	P	P	P	P	P
1.04.000 Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
1.05.000 Topsoil, Mulch, and/or Aggregate Sales (Section 62)	PC	PC									P	P					
1.06.000 Farmers Markets (Section 63)	SC	SC								P	P	P	P				
1.07.000 Livestock Market (Section 64)	SC	SC												PC	PC	PC	
1.08.000 Nursery	P	P									P	P			P	P	P
1.09.000 Greenhouse - on-premise sales permitted (Section 65)	PC	PC	PC	PC	PC		PC			P	P	P		P	P	P	
1.10.000 Kennel, Commercial (Section 66)*	SC	SC								P	P						
<b>2.00.000 MINERAL EXTRACTION</b>																	
2.00.100 Mineral Extraction (Section 67)																PC	
2.00.200 Mineral Processing (Section 68)															PC	PC	
<b>3.00.000 RESIDENTIAL</b>																	
3.01.000 Dwelling - Single-Family Detached																	
3.01.100 Dwelling - Detached (Section 69)	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	PC	P	
3.01.200 Dwelling - Manufactured Home - Double-wide (Section 70)	PC	PC	SC	PC	PC	PC	PC	P	PC	PC	PC	SC	PC	SC	SC	PC	
3.01.300 Dwelling - Manufactured Home - Single-wide (Section 71)	SC	SC	SC	SC	SC		SC	P		SC	SC	SC		SC	SC	SC	

**P = Permitted PC = Permitted with Conditions SC = Special Exception with Conditions SE = Special Exception**

**\* See Note on last page**

	ZONES																
USES DESCRIPTION (Article V Citation)	NAR	SAR	RR	SR	TR	VR	DR	MH	RM	BL	BG	BI	MB	M1	M2	MEA	OS
3.01.400 Dwelling - Tenant House	P	P	P	P	P	P	P	P	P								
3.01.500 Dwelling - Guest House - on parcels greater than 50 acres	P	P	P	P	P	P	P	P	P								
3.01.600 Dwelling - Guest House - on parcels less than 50 acres	SE	SE	SE	SE	SE	SE	SE	SE	SE								
3.02.000 Dwelling - Single-Family Attached																	
3.02.100 Dwelling - Duplex (Sections 72 & 246.4)				PC	PC	PC	PC		P								
3.02.200 Dwelling - Semi-Detached (Sections 73 & 246.4)				PC	PC	PC	PC		P								
3.02.300 Dwelling with Accessory Apartment (Section 74)	PC	PC	PC	PC	PC	PC	PC	PC	P								
3.03.000 Dwelling - Multi-Family									P								
3.03.100 Dwelling - Townhouse (Section 75 & 246.4)				PC	PC		PC		P				PC				
3.03.200 Dwelling - Apartment (Section 76 & 246.4)				PC	PC		PC		P	PC	PC		PC		PC		
3.03.300 Dwelling - Apartment Conversion (Section 77)							SC		P								
3.04.000 Manufactured Home Park (Section 78)								PC									
3.05.000 Home Occupation (Section 79)	SC	SC	SC	SC	SC	SC	SC	SC	SC	P	P	P	P			SC	
3.06.000 Homes emphasizing special services, treatment, or supervision and Residential Elderly Care																	
3.06.100 Group Homes																	
3.06.110 less than 9 people	P	P	P	P	P	P	P	P	P							P	
3.06.120 9 through 16 people									P								
3.06.200 Day Care																	
3.06.210 Day Care Center, Family	P	P	P	P	P	P	P	P	P	P	P	P					
3.06.220 Day Care Center, Group (Section 80)*	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	PC		PC			
3.06.300 Halfway House (Section 81)	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC					SC
3.06.400 Retirement housing complex (Section 82)	SC	SC	SC	SC	SC	SC	SC	SC	P								P
3.07.000 Miscellaneous rooms for rent situations																	
3.07.100 Boarding houses (Section 83)	SC	SC	SC	SC	SC	SC	SC		SC	PC	PC	PC					
3.07.200 Bed and breakfast (Section 84)	SC	SC	SC	SC	SC	SC	SC		SC	P	P		PC				
3.07.300 Conference Center (Section 85)*	SC	SC		SC			SC				P	P	PC	P	PC		
3.08.000 Hotel (Section 86)											P	P	PC	PC			
3.09.000 Motel (Section 87)*											P	P	PC	PC			

P = Permitted PC = Permitted with Conditions SC = Special Exception with Conditions SE = Special Exception \* See Note on last page

USES DESCRIPTION (Article V Citation)	ZONES																
	NAR	SAR	RR	SR	TR	VR	DR	MH	RM	BL	BG	BI	MB	M1	M2	MEA	OS
<b>4.00.000 INSTITUTIONAL</b>																	
4.01.000 Schools, Public	P	P	P	P	P	P	P	P	P							P	P
4.01.100 Schools, Private (Section 88)*	PC	PC	PC	PC	PC	PC	PC	PC	PC								PC
4.01.200 Trade or vocational schools, Private (Section 89)											P	P	PC	P	P		
4.02.000 House of Worship *	P	P	P	P	P	P	P	P	P	P	P	P					
4.03.000 Libraries, museums *	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P				P	P
4.04.000 Private Clubs (Section 90)*	SE	SE	SE	SE	SE	SE	SE	SE	SE		P	P	P	P	PC	PC	SE
4.05.000 Institutional residence or care facilities																	
4.05.100 Hospitals (Section 91)*	SC	SC	SC	SC	SC	SC	SC	SC	SC		P	P					
4.05.200 Nursing Care Facility (Section 92)*	SC	SC	SC	SC	SC	SC	SC	SC	SC		PC	PC					
4.06.000 Cemetery, Crematorium																	
4.06.100 Cemeteries																	
4.06.110 Located on church grounds	P	P	P	P	P	P	P	P	P	P	P	P					
4.06.120 Not located on church grounds (Section 93)	SC	SC	SC	SC	SC	SC	SC	SC	SC								
4.06.200 Crematorium (Section 94)*	SC	SC	SC	SC	SC	SC	SC	SC	SC	P	P	P		P			
<b>5.00.000 RECREATION, AMUSEMENT, ENTERTAINMENT</b>																	
5.01.000 Indoor recreation (Section 95)*										P	P	P	P	PC	PC		
5.01.100 Theatre - Indoor											P	P					
5.01.200 Theatre - Drive-in (Section 96)											SC	SC					
5.01.300 Indoor rifle and pistol ranges (Section 97)*										SC	SC	SC		SC			SC
5.01.400 Off-track betting (Section 98)*											PC	PC					PC
5.01.500 Coliseums, Stadiums (Section 99)											SC	SC		SC			
5.02.000 Privately owned outdoor golf courses and country clubs, swimming or tennis clubs not constructed as part of some residential development (Section 100)*	SC	SC	SC	SC	SC	SC	SC	SC	SC		P	P	P				
5.03.000 Privately owned outdoor golf courses and country clubs swimming or tennis clubs approved as part of some residential development *	P	P	P	P	P	P	P	P	P								P
5.04.000 Marina													P				

**P = Permitted PC = Permitted with Conditions SC = Special Exception with Conditions SE = Special Exception**

**\* See Note on last page**

	ZONES																
USES DESCRIPTION (Article V Citation)	NAR	SAR	RR	SR	TR	VR	DR	MH	RM	BL	BG	BI	MB	M1	M2	MEA	OS
5.05.000 Campgrounds, Recreational Vehicle Parks (Section 101)*	SC	SC						SC									
5.06.000 Festivals or Events (Section 102)	SC	SC									PC	PC	PC				PC
5.07.000 Automobile and motorcycle racing tracks (Section 103)*												SC			SC	SC	
5.08.000 Go Cart Track (Section 104)											PC	PC					
5.09.000 Amusement Parks (Section 105)*	SC	SC									PC	PC					
5.10.000 Public Golf Courses (Sections 106 & 157)*	SC	SC	SC	SC	SC	SC	SC	SC	SC								SC
5.11.000 Golf Driving Range, not part of a golf course (Section 107)											PC	PC					SC
5.12.000 Golf-Miniature											P	P	P				
5.13.000 Rifle and pistol range, war games, archery ranges or other recreation using weapons, outdoor (Section 108)	SC	SC									SC	SC					SC
5.14.000 Swimming Pool, Commercial (Section 109)*	SC	SC	SC	SC	SC		SC	SC	SC		PC	PC	PC				
<b>6.00.000 EMERGENCY SERVICES</b>																	
6.01.000 Fire Stations without assembly hall	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
6.02.000 Fire Station with Assembly Hall (Section 110)	SC	SC	SC	SC	SC	SC	SC	SC			P	P					P
6.03.000 Rescue squad, ambulance service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
6.04.000 Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>7.00.000 PUBLIC AND SEMI-PUBLIC FACILITIES</b>																	
7.01.000 Post office																	
7.00.100 Local	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
7.00.200 Regional											P	P		P	P	P	
7.02.000 Airport (Section 111)*	SC	SC		SC								SC		SC	SC		SC
7.03.000 Helicopter Facilities (Section 112)*	SC	SC									SC	SC		SC	SC		SC
7.04.000 Prison (Section 113)														SC	SC		SC
7.05.000 Transportation																	
7.05.100 Train station	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P
7.05.200 Bus Depot											P	P		P			
7.05.300 Park and Ride Facilities	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P

**P = Permitted PC = Permitted with Conditions SC = Special Exception with Conditions SE = Special Exception**

**\* See Note on last page**

	ZONES																
USES DESCRIPTION (Article V Citation)	NAR	SAR	RR	SR	TR	VR	DR	MH	RM	BL	BG	BI	MB	M1	M2	MEA	OS
<b>8.00.000 UTILITIES</b>																	
8.01.000 Neighborhood Essential Service (Section 160)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
8.02.000 Electric power, gas transmission & telecommunications buildings and structures (Section 114)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
8.03.000 Overhead Electric Power Transmission of >69,000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
8.04.000 Communication Tower (Section 115)	SC	SC		SC	SC		SC	SC	SC		PC	PC		PC	PC		
8.05.000 Public Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>9.00.000 COMMERCIAL -SERVICE</b>																	
9.01.000 Service establishments with floor area < 5,000 square feet (Section 116)*								PC	PC	P	P	P	PC	PC	PC		
9.02.000 Service establishments with floor area > 5,000 square feet (Section 117)											P	P	PC				
<b>9.03.000 Office Buildings</b>																	
9.03.100 Office Building, Class A (Section 118)*											P	P		P	PC		
9.03.200 Office Building, Class B										P	P	P		P			
9.03.300 Office Building, Class C (Section 119)	SC	SC	SC	SC	SC	SC	SC	SC	SC	P	P	P					
9.04.000 Banks, Drive-In (Section 120)										PC	PC	PC					
9.05.000 Business services										P	P	P		P			
9.06.000 Health Club (Section 121)*										P	P	P	P	PC	PC		
9.07.000 * Construction Business or Supplies											P	P		P	P		
9.08.000 Funeral Parlors (Section 122)*	SC	SC	SC	SC	SC	SC	SC			P	P						
9.09.000 Animal Hospital (Section 123)*	SC	SC								PC	PC						
<b>10.00.000 COMMERCIAL - RETAIL AND WHOLESALE</b>																	
10.01.000 Retail Establishments with floor area <5,000 square feet (Section 124)*								PC	PC	P	P	P	PC	PC	PC		
10.02.000 Retail Establishments with floor area >5,000 square feet (Section 125)											P	P	PC				
10.03.000 Adult Bookstore and/or Entertainment Center (Section 126)											SC	SC					

**P = Permitted PC = Permitted with Conditions SC = Special Exception with Conditions SE = Special Exception**

**\* See Note on last page**

	ZONES																
<b>USES DESCRIPTION (Article V Citation) 10.04.000</b> Alcoholic Beverage Sales/Liquor Stores (Section 127)	<b>NAR</b>	<b>SAR</b>	<b>RR</b>	<b>SR</b>	<b>TR</b>	<b>VR</b>	<b>DR</b>	<b>MH</b>	<b>RM</b>	<b>BL</b> SC	<b>BG</b> PC	<b>BI</b> PC	<b>MB</b> SC	<b>M1</b>	<b>M2</b>	<b>MEA</b>	<b>OS</b>
10.05.000 Antique Shops (Section 128)*	SC	SC	SC	SC	SC	SC	SC	SC		P	P	P					
10.06.000 Auction Houses (Section 129)*	SC	SC									P	P					SC
10.06.100 Industrial Auction House														P	P		
10.07.000 Pet Store										P	P	P					
10.08.000 Manufactured Home sales											P	P					
10.09.000 Open-air markets											P	P					
10.10.000 Wholesale sales and establishments *											P	P	P	P	P		
10.11.000 Shopping Center (Section 130)										PC	PC	PC					
10.12.000 Restaurants																	
10.12.100 Restaurant, Standard (Section 131)*										P	P	P	PC	PC	PC		
10.12.200 Restaurant, Carry-out, Delivery (Section 132)*										P	P	P	PC	PC	PC		
10.12.300 Restaurant, Drive-thru or fast food (Section 133)											PC	PC					
10.12.400 Tavern (Section 134)										PC	PC	PC	PC				
<b>11.00.000 MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS</b>																	
11.01.000 Motor Vehicle Sales											P	P					
11.02.000 Motor Vehicle Filling Station (Section 135)										PC	PC	PC					
11.03.000 Motor Vehicle Rental (Section 136)											P	P	PC				
11.04.000 Motor Vehicle Repair and Maintenance (Section 137)*										PC	P	P		P	P		
11.05.000 Salvage Yard (Section 138)*	SC	SC									SC				PC		
11.06.000 Towing Service (Section 139)*											PC	PC		PC	P		
11.07.000 Travel Trailers (Section 140)	PC	PC						PC									
11.08.000 Storage Trailer and Container (Section 159)	PC	PC	PC	PC	PC	PC	PC	PC	PC		P	P	P	P	P	P	P
11.09.000 Storage Trailer Facility (Section 141)*											PC	PC			PC		
11.10.000 Bus Storage (Section 142)*	SC	SC									P	P					
11.11.000 Car Wash											P	P					
11.12.000 Truck Wash												P		P			
11.13.000 Travel plaza												P					
11.14.000 Truck stop														P			

**P = Permitted PC = Permitted with Conditions SC = Special Exception with Conditions SE = Special Exception \* See Note on last page**

USES DESCRIPTION (Article V Citation)	ZONES																
	NAR	SAR	RR	SR	TR	VR	DR	MH	RM	BL	BG	BI	MB	M1	M2	MEA	OS
<b>12.00.000 INDUSTRIAL</b>																	
12.01.000 Manufacturing																	
12.01.100 Heavy Industry*															P		
12.01.200 Light Industry (Section 143)*	SC	SC										P		P	P		
12.02.000 Blacksmith Shop	SE	SE												P	P		
12.03.000 Welding shops, ornamental iron works, machine shops*														P	P		
12.04.000 Bottling Facility *														P	P		
12.05.000 Saw Mills (Section 144)*	SC	SC													P		
12.06.000 Winery (Section 145)	PC	PC												P	P		
12.07.000 Brick or Block Manufacturing *															P		
12.08.000 Concrete and Asphalt Plants (Section 146)*															PC	PC	
12.09.000 Automobile Parking Garages or Parking Lots, not accessory to a permitted use											P	P					
12.10.000 * Truck Terminal												P		P	P		
12.11.000 Warehouse *											P	P		P	P		
12.12.000 Mini-Storage (Section 147)											PC	PC					
12.13.000 Non-Automotive Fuel Sales or Storage (Section 148)*											PC	PC		PC	PC		
12.14.000* Research and Development Facilities (Section 149)	SC	SC		SC	SC		SC					P		P	P		
12.15.000 Waste Management Uses																	
12.15.100 Recycling Facility *															P		SE
12.15.200 Petroleum Products Recycling Facility (Section 150)*															SC		
12.15.300 Hazardous Waste Recycling Facility (Section 151)															SC		
12.15.400 Hazardous Waste Incineration Facility (Section 152)															SC		
12.15.500 Rubble Landfill (Section 153)																	SC
12.15.600 Sanitary Landfill (Section 154)																	SC
12.15.700 Sludge Handling (Section 155)	SC	SC														SC	SC
12.16.000 Power Generating Facilities (Section 156)	SC	SC												SE	P		

**P = Permitted PC = Permitted with Conditions SC = Special Exception with Conditions SE = Special Exception**

**\* See Note on last page**

USES DESCRIPTION (Article V Citation)	ZONES																
	NAR	SAR	RR	SR	TR	VR	DR	MH	RM	BL	BG	BI	MB	M1	M2	MEA	OS
<b>13.00.000 MISCELLANEOUS USE</b>																	
13.01.000 Accessory Structures and Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
13.02.000 Zoological Gardens	SE	SE										P					P

\* **When these uses are proposed to occur or expand within the Chesapeake Bay Critical Area - Resource Conservation Area (RCA) the applicant must apply for, and receive Growth Allocation as described in Article XI, Part I of this Ordinance prior to final approval.**

**P = Permitted PC = Permitted with Conditions SC = Special Exception with Conditions SE = Special Exception**  
**\* See Note on last page**



## **ARTICLE V            SPECIFIC SUPPLEMENTARY USE REGULATIONS**

The following specific supplementary use regulations are applicable to both specific uses permitted by right and to uses permitted by special exception as indicated in the Table of Permissible Uses.

### **Part I            Agricultural Uses**

#### **Section 57.    Agricultural Equipment Sales (1.01.200)**

Agricultural machinery and equipment sales may be permitted as a Special Exception in the NAR and SAR provided:

1.     Machinery and equipment shall be stored or parked only within a hard surfaced area constructed of material that will assure a surface resistant to erosion and adequately treated to prevent dust emission.
2.     Signs, product displays, parked vehicles, and other obstructions that would adversely affect visibility at intersection or to driveways shall be prohibited.
3.     Lighting shall be low level and so arranged as not to reflect or to cause glare into any residential use or zone.
4.     When such use abuts a residential zone or use and is not effectively screened by a natural terrain feature, the use shall be screened by a bufferyard meeting the D standard in Appendix B.
5.     The Board of Appeals may permit signs as permitted in the BL zone provided all signage is included in the Special Exception.

#### **Section 58.    Animal Husbandry (1.01.300)**

Animal husbandry shall be permitted in the NAR, SAR, RR, SR, TR, VR, DR, M1, M2, MEA and OS zones, provided that:

1.     The minimum lot size is one acre.
2.     Commercial feedlots shall be setback 100 feet from all property lines and 300 feet from any legally existing residences on adjacent lots.
3.     Swine farms of 500 or more head, excluding nursing piglets, must comply with and keep up to date both a waste management plan and a nutrient management plan approved by the Natural Resources Conservation Service and University of Maryland Cooperative Extension Service:
  - a.     Swine farms of 500 or more head, excluding nursing piglets, must have their feedlots set back 300 feet from all property lines and 600 feet from any legally existing residence on an adjacent lot. The feedlot must be screened by a bufferyard meeting the "A" standard of appendix B.
  - b.     Swine farms of 500 or more head, excluding nursing piglets, must demonstrate that they own or have a lease of at least 3 years on enough acreage to satisfactorily dispose of the waste from said operation in accordance with the approved waste management plan.
4.     Swine farms in existence upon the adoption of these regulations are exempt from these regulations.

(Amended 6/3/97)

## **Section 59. Slaughterhouses (1.01.400)**

Slaughterhouses may be permitted as a Special Exceptions in the NAR and SAR zones and shall be permitted in the MI zones provided:

- 1.** No slaughterhouses shall be constructed or established within 1/2 mile of any neighborhood of 20 lots or more in which the average density is one (1) dwelling unit per five (5) acres or more.
- 2.** Stock pens or buildings associated with the slaughterhouse operation must be at least three hundred (300) feet from any public right-of-way and must be at least five hundred (500) feet from any other property line.
- 3.** Proposed slaughterhouses shall meet the following site plan and operational requirements:
  - a.** Waste or any decomposable residue from the slaughterhouse operations may not be disposed of by spreading on and/or plowing under on a farm unless the farm contains at least one hundred (100) acres and Health Department approval is obtained.
  - b.** Adequate measures must be developed for the abatement of offensive and obnoxious odors, dust, smoke, or similar nuisances, to the degree that such odors, dust, smoke, or similar nuisances will be confined within the boundaries of the slaughterhouse site boundaries.
  - c.** Design, construction, and operation of the facility must meet or exceed the requirements of all relevant State and Federal regulations. Specifically, the operation must conform to the requirements of "Agricultural Handbook 570, U.S. Inspected Meat and Poultry Packing Plants, a Guide to Construction and Layout", published by the U.S. Department of Agriculture in February 1981, as amended or succeeded.
  - d.** Waste, by-products, or any decomposable residue which results from the slaughtering of animals must be refrigerated while on the premises.
  - e.** There must be provided adequate off-street parking and loading and unloading facilities for customers and employees.
- 4.** If the use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

**Section 60. Roadside Stand (1.01.500)**

Roadside stands shall be permitted in all zones provided that:

1. Roadside stands are limited to 1,000 square feet.
2. Off-street parking is provided at the ratio of one (1) parking space per 200 square feet of roadside stand, with a minimum of two (2) parking spaces.
3. A zoning certificate for the roadside stand is approved by the Office of Planning and Zoning.
4. Roadside stands in the MB zone shall be located outside of the Buffer.
5. Roadside stands shall be located at least twenty-five (25) feet from the edge of the roadway.

**Section 61. Commercial Stables (1.01.600)**

Commercial stables shall be permitted in the NAR, SAR, RR, SR, TR, VR, and OS zones provided no building shall be located less than 100 feet from the nearest property line.

**Section 62. Topsoil/Mulch/Aggregate Sales (1.05.000)**

Topsoil/mulch/aggregate sales shall be permitted in the NAR and SAR zones provided that:

1. The sales are an accessory use to a nursery.
2. The sales area is shown on the site plan for the nursery.

**Section 63. Farmers Market (1.06.000)**

Farmers markets may be permitted as a Special Exception in the NAR and SAR zones provided:

1. Any permanent structure for the display and sale of locally produced agricultural and fisheries products shall be no larger than 3,000 square feet.
2. Buildings shall maintain the front yard setback for the zone in which it is located.
3. Exits and entrances shall be provided which shall be at least one hundred (100) feet from any intersection on a local road and two hundred (200) feet from all other intersections.

4. A minimum of three (3) off-street parking spaces and one (1) space per 300 square feet of building area over 900 square feet shall be provided.
5. A minimum of one (1) self-contained privy shall be maintained on the site while the operation is in use.
6. No temporary structure shall be permitted for a period exceeding three (3) years, subject to renewal.
7. The farmers market is used for the sale of predominantly locally produced agricultural products.

**Section 64. Livestock Market (1.07.000)**

Livestock markets may be permitted as a Special Exception in the NAR and SAR zones and shall be permitted in the M1, M2, and MEA zones provided:

1. The minimum lot area is ten (10) acres.
2. Stock pens and main buildings are located at least three hundred (300) feet from any street or highway and at least eight hundred (800) feet from any residence existing at the time of application.
3. Adequate off-street parking and off-street loading space is provided for customers and employees.
4. Bufferyards conforming to the E standard in Appendix B shall be required along all property boundaries.
5. A site plan meeting the requirements of Section 291 shall accompany an application for a livestock market.

**Section 65. Greenhouses with On-Premises Sales Permitted (1.09.000)**

Greenhouses with on-premises sales shall be permitted in the NAR, SAR, RR, SR, TR, and DR zones provided:

1. Sales limited to plants, trees, shrubs, seeds, fertilizers, plant foods, hand tools, hand spraying and watering equipment, and pesticides directly related to residential gardening shall be permitted, provided that such tools and equipment are not displayed outdoors.
2. Sales of products described in 1. above are accessory to the greenhouse operation and the floor area for such sales shall be limited to 3,000 square feet.

3. Greenhouses shall have a minimum setback of twice the height of the building, but in no case less than fifty (50) feet, and storage of all materials which produce odors or attract pests shall be effectively covered.
4. Topsoil mulch and gardening/landscaping aggregates sales shall be permitted provided that they are accessory to the Greenhouse and that no more than 100 cubic yards of each product are stockpiled at any time.

#### **Section 66. Kennels, Commercial (1.10.000)**

Commercial kennels may be permitted as a Special Exception in the NAR and SAR zones provided:

1. Minimum acreage - five acres if dogs are outside, two acres if placed in soundproof building.
2. Kennels are not located within 200 feet of a residential dwelling on an adjacent parcel.
3. The proposed use conforms to the Animal Regulations of Cecil County, Maryland in regard to sanitary practices and animal care and treatment.
4. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

### **Part II Mineral Extraction Uses**

#### **Section 67. Mineral Extraction (2.00.100)**

1. Mineral extraction shall be permitted in the MEA zone provided that any mineral extraction activity in the MEA zone shall only be permitted in accordance with a site plan prepared in accordance with Section 291 of this Ordinance, and shall meet the following requirements:
  - a. No excavation shall take place within 100 feet from any right-of-way line of any road.
  - b. No excavation shall take place, nor shall the slope of the natural land surface be altered as a result of such excavation, nor shall the storage of materials take place nearer than one hundred (100) feet to any property line. This setback shall not apply where the adjoining property is used for mineral extraction.
  - c. All of the Environmental Performance Standards, except the regulations pertaining to steep slopes, in Article IX of this Ordinance are met.
  - d. Operation structures shall not be erected within two hundred (200) feet of any property line or within one hundred (100) feet of any road. The setback to

(Amended 7/22/2008)

adjoining property lines shall not apply where the adjoining property is used for mineral extraction or heavy industry.

- e.** A bufferyard meeting the Bufferyard Standard D in Appendix B shall be required between any operation structures and the right-of-way of any road.
- f.** Mineral extraction may be permitted in the MEA zone within the Chesapeake Bay Critical Area provided that:
  - (1)** No mineral extraction activity takes place within the Buffer.
  - (2)** The mineral extraction activity is consistent with the Habitat Protection Program Element of the Cecil County Critical Area Program.
  - (3)** The mineral extraction activity is consistent with the Mineral Resources Program Element of the Cecil County Critical Area Program.
  - (4)** The requirements of the applicable Critical Area land use management area are met.
  - (5)** The applicable requirements of Article XI, Part I are met.

**2.** Mineral Extraction may be permitted as a Special Exception in any zoning district in the MEB overlay zone provided:

- a.** Excavation shall not take place within 100 feet from any right-of-way line of any road or 300 feet from any lawfully permitted residential or institutional building.
- b.** Excavation shall not take place, nor the slope of the natural land surface be altered as a result of such excavation, nor shall the storage of materials take place nearer than one hundred (100) feet to any property line.
- c.** Operation structures shall not be erected nor storage of material take place within two hundred (200) feet of any property line or one hundred (100) feet to the right-of way line of any road.
- d.** A bufferyard meeting the Bufferyard Standard D in Appendix B shall be required between any operation structures and the right-of-way of any road.
- e.** All of the Environmental Performance Standards, except the regulations pertaining to steep slopes, in section Article IX of this Ordinance are met.

- f. The use of heavy machinery for refining or processing other than for extracting, crushing, moving, washing and screening shall be permitted only with a Heavy Industrial (M2) parent zone.
- g. New wash plants shall not be located within the Buffer of the Chesapeake Bay Critical Area.
- h. No mineral extraction activity takes place within the Buffer.
- i. The mineral extraction activity is consistent with the Habitat Protection Program Element of the Cecil County Critical Area Program.
- j. The mineral extraction activity is consistent with the Mineral Resources Program Element of the Cecil County Critical Area Program.
- k. The requirements of the applicable Critical Area land use management area are met.

#### **Section 68. Mineral Processing (2.00.200)**

Mineral processing shall be permitted in the MEA and M2 zone provided that:

- 1. Operation structures shall not be erected and storage of materials shall not take place within two hundred (200) feet of any property line or one hundred (100) feet to the right-of-way of any road.
- 2. The setback from property line shall not apply if the adjoining lot is being used for heavy industry or mineral extraction.
- 3. A bufferyard meeting the Bufferyard Standard D in Appendix B shall be required between any operation structures and the right-of-way of any road.

(Amended 6/17/08, 2/16/10)

### **Part III Residential Uses**

#### **Section 69. Dwelling - Detached (3.01.100)**

Dwelling - detached shall be permitted in the BL, BG, BI, MB, M1, and M2 zones provided that the dwelling is for the owner, operator, or employee of an on-site business.

#### **Section 70. Dwelling - Manufactured Home - Double-wide (3.01.200)**

- 1.** Double-wide manufactured homes shall be permitted as a principal structure, tenant house, or guest house in the NAR, SAR, SR, TR, VR, DR, RM and MEA zones, and may be permitted as a Special Exception in the RR zone, provided:
  - a.** The home has a length not less than 40 feet and a width not less than 24 feet;
  - b.** The pitch of the home's roof has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction with a minimum four (4) inch roof overhang;
  - c.** The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
  - d.** The home is enclosed by a continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
  - e.** The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- 2.** Double-wide manufactured homes may be permitted as a Special Exception in the BG, BI, M1, M2 and MEA zones as on-site security provided that the unit is not on a permanent foundation.
- 3.** Double-wide manufactured homes shall be permitted in the BL, BG, BI, MB, M1, and M2 zones provided that the unit is for the owner/operator or employee of an on-site business and the conditions set forth in 1.a. through 1.e above are met.
- 4.** Double-wide manufactured homes may be permitted as a Special Exception in the NAR and SAR zones for an employee of an agricultural operation conducted on a parcel where the manufactured home is to be located, provided that the home is not on a permanent foundation.



5. Double-wide manufactured homes may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, or DR zones, when not on a permanent foundation, and in the MH zone provided that it is not on a permanent foundation and if a manufactured home presently exists on the property, provided the Board of Appeals finds that a hardship exists involving a member of the immediate family.

**Section 71. Dwelling - Manufactured Home - Single-wide (3.01.300)**

1. A single-wide manufactured home may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, and DR zones provided that the manufactured home is for an employee of an agricultural operation conducted on the parcel where the manufactured home is to be located.
2. A single-wide manufactured home may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, and DR zones provided that the Board of Appeals finds that a hardship exists involving a member of the immediate family. For purposes of this provision, "immediate family" shall only include a child, grandchild, parent or grandparent, step-child or step-parent.
3. A single-wide manufactured home may be permitted as a Special Exception in the BL, BG, BI, M1, M2 and MEA zones provided that the manufactured home is for the purposes of providing security for a business or industry conducted on the parcel where the manufactured home is to be located.
4. A single-wide manufactured home may be permitted as a special exception in the MH zone provided that a manufactured home presently exists on the property and provided that the Board of Appeals finds that a hardship exists involving a member of the immediate family. For the purposes of this provision, "immediate family" shall only include a child, grandchild, parent or grandparent, step-child or step-parent.

**Section 72. Dwelling - Duplex (3.02.100)**

1. Dwelling - duplex shall be permitted in the SR, TR and DR zones provided that the units are part of a PUD approved in accordance with Article XII.
2. Dwelling - duplex shall be permitted in the DR zone if served by public sewer.
3. Dwelling - duplex shall be permitted in the VR zone if served by public sewer and if in accordance with Section 28.

**Section 73. Dwelling - Semi-Detached (3.02.200)**

1. Dwelling - semi-detached shall be permitted in the SR, TR and DR zones provided that the units are part of a PUD approved in accordance with Article XII..
2. Dwelling - semi-detached shall be permitted in the DR if served by public sewer.
3. Dwelling - semi-detached shall be permitted in the VR zone if served by public sewer and if in accordance with Section 28.

#### **Section 74. Dwelling with Accessory Apartment (3.02.300)**

An accessory apartment in association with a primary residence shall be permitted in the NAR, SAR, RR, SR, TR, VR, DR, and MH zones provided:

1. An accessory apartment shall only be permitted for occupancy by a member of the immediate family.
2. The owner of the residential dwelling unit in which the accessory apartment is to be located shall occupy at least one of the dwelling units on the premises.
3. An accessory apartment may be located either in the principal dwelling unit or in an accessory building.
4. The minimum floor area for an accessory apartment within a principal dwelling shall be three hundred (300) square feet but in no case shall it exceed thirty percent (30%) of the gross floor area of the dwelling in which it is located. For accessory apartments located in accessory buildings, the minimum floor area shall also be three hundred (300) square feet, there shall be no more than two (2) bedrooms in the apartment and the apartment shall not occupy more than 50% of the accessory structure.
5. There shall be no more than one (1) accessory apartment permitted per existing single family dwelling.
6. If an accessory apartment is located in the principal dwelling building, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residential structure and that no external entrance that faces a road or street will be added.
7. Off-street parking shall be provided in accordance with the standards and requirements of Article XIV.

#### **Section 75. Dwelling - Townhouse (3.03.100)**

1. Dwelling - townhouse shall be permitted in the SR, TR and DR zones provided that the units are part of a PUD approved in accordance with Article XII.
2. Dwelling - townhouse shall be permitted in the MB zone provided that
  - a. The density is limited to four (4) units per acre, and
  - b. No more than four (4) townhouses shall be permitted in one (1) building block.

**Section 76. Dwelling - Apartment (3.03.200)**

1. Dwelling - apartment shall be permitted in the SR, TR and DR zones provided that the units are part of a PUD approved in accordance with Article XII.
2. Dwelling - apartment shall be permitted in the BL, BG, and MB zones, provided that:
  - a. The apartments are limited to two (2) units per lot, and
  - b. The apartments are accessory to a permitted use.
3. Dwelling - apartment shall be permitted in the M2 zone provided that:
  - a. A maximum of one apartment is provided per lot, and
  - b. The apartment is an accessory to a permitted use.

**Section 77. Dwelling - Apartment Conversion (3.03.300)**

Dwelling - apartment conversion may be permitted as a Special Exception in the DR zone, provided that:

1. The apartment units are within a dwelling that existed at the time of adoption of this Ordinance.
2. The maximum number of apartments shall not exceed the maximum permitted density and shall not in any case exceed four (4) apartment units on any one lot.
3. The owner of the dwelling resides permanently within the dwelling. The Special Exception shall terminate six (6) months after the date the owner no longer resides permanently within the dwelling.
4. One (1) parking space per apartment unit, and two (2) parking spaces for the primary dwelling are provided on the parcel.
5. Parking areas are adequately screened from adjacent lots and roadways.

**Section 78. Manufactured Home Park (3.04.000)**

Manufactured home parks shall be permitted in the MH zone provided:

1. Manufactured home parks shall be developed upon property served by water and sewer systems approved by the Health Department.

2. Manufactured home parks shall be developed on a tract of land encompassing not less than ten (10) acres in area.
3. Each manufactured home site shall measure not less than four thousand (4000) square feet in area.
4. Not less than fifteen (15) percent of the gross area of a manufactured home park shall be devoted to open space and recreation area. Required open space shall not include roadways and bufferyards.
5. Density of manufactured home parks shall not exceed six (6) manufactured home sites per acre.
6. Each manufactured home site shall measure not less than fifty (50) feet in width at the setback line.
7. Minimum setbacks on all manufactured home sites shall be fifteen (15) feet front and rear and ten (10) feet on each side.
8. Manufactured home parks shall be surrounded by bufferyards meeting the Bufferyard D standard as shown in Appendix B of this Ordinance.
9. All required bufferyards shall be unoccupied except for utility facilities, identification signs or exits and entrances.
10. Each manufactured home site shall be provided with two (2) off-street parking spaces.
11. In addition to the standards of this Section, all manufactured home parks shall also meet the applicable requirements of the Cecil County Subdivision Regulations.
12. Where an existing manufactured home park is expanded either at the same time or in stages to include the addition of one (1) or more manufactured home sites, the expanded area must conform to the provisions of this Section and the existing portion shall, in lieu of the requirements above, conform to the following:
  - a. General Requirements. Condition of soil ground water level, drainage, and topography shall not create hazards to the property, surrounding area or the health and safety of the occupants.
  - b. Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of the manufactured home development shall be protected with materials capable of preventing soil erosion and elimination of objectionable dust.

- c. Site Drainage Requirements. The ground surface in all parts of each manufactured home development shall be graded and equipped to drain all surface water in a safe, efficient manner.
- d. Street System and Car Parking. All manufactured home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Street construction shall be a minimum of two (2) inches blacktop or triple surface treatment with adequate side drainage ditches and grades no greater than 10%. Internal streets shall be of sufficient width to accommodate anticipated traffic.
- e. Density. Density in the existing portion of any manufactured home development may remain the same or may increase up to a maximum of six (6) units per acre.
- f. Except as herein provided, design standards as described in the Cecil County Subdivision Regulations, shall be followed.

#### **Section 79. Home occupations (3.05.000)**

Home occupations may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH, RM and MEA zones provided that:

- 1. Home occupations are in the same building as the residence, and do not change the residential character and appearance of the dwelling.
- 2. No type of advertisement for the home occupations shall be carried out on the property, except one (1) unlighted sign identifying the home occupation, limited to three (3) square feet in size.
- 3. No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises.
- 4. Parking is provided in accordance with Article XIV.
- 6. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit.

#### **Section 80. Day Care Center, Group (3.06.220)**

A group day care center shall be permitted in the BI and M1 zones provided the establishment is designed to serve employees of commercial and/or industrial sites in the immediate vicinity.

**Section 81. Halfway House (3.06.300)**

Halfway houses may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH, RM, BL, BG, BI and OS zones provided:

1. The site is a minimum of three (3) acres in residential zones.
2. Applicant shall demonstrate the ability to maintain the safety of patients and of the residents in the surrounding neighborhood.
3. Any structure is located at least one hundred feet from any adjacent residential lot.

**Section 82. Retirement Housing Complex (3.06.400)**

A retirement housing complex may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR and MH Zones provided:

1. Density shall not exceed the base density for the zoning district.
2. The minimum area shall be one and one-half acres.
3. There shall be off-street parking as required in Article XIV.

**Section 83. Boarding Houses (3.07.100)**

Boarding houses may be permitted in the NAR, SAR, RR, SR, TR, VR, DR, and RM zones as a Special Exception and shall be permitted in the BL, BG and BI provided:

1. One off-street parking space shall be provided for each guest room and shall be located at the rear of the site. Further, parking areas shall be 50 feet from any adjacent residentially zoned property and shall be adequately screened.
2. The establishment shall be owner or manager occupied and managed
3. Facilities for dining shall be in the location customarily used by a single family in the structure.
4. No separate kitchen shall be provided.

#### **Section 84. Bed and Breakfast (3.07.200)**

- 1.** A Bed and Breakfast may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR and RM zones provided:
  - a.** One off-street parking space shall be provided for each guest room and shall be located at the rear of the site as much as possible.
  - b.** Parking areas shall be adequately screened from adjacent properties.
  - c.** The establishment shall be owner or manager occupied and managed.
  - d.** The facility may provide food and beverages (both non-alcoholic and alcoholic) to transient guests as breakfast, or in conjunction with weddings, business meetings and conferences.
- 2.** A Bed and Breakfast shall be permitted MB zone provided that new bed and breakfast facilities are located outside of the Buffer.

#### **Section 85. Conference Centers (3.07.300)**

Conference centers may be permitted as a Special Exception in the NAR, SAR, SR, and DR zones and shall be permitted in the MB, and M2 zones provided:

- 1.** In the NAR, SAR, SR and DR zones:
  - a.** Not more than ten (10) percent of the land may be occupied with buildings.
  - b.** All building and parking lots shall be set back from all adjoining property lines, including publicly dedicated streets, roads, and highways, not less than 200 feet, and the maximum height of any building shall be set by the Board of Appeals.
  - c.** The land shall have direct access to a public highway of a collector or arterial classification designated on the Official Roadway Classification Map. The major point of vehicular access to and from the lands shall be provided by this collector or arterial road.
  - d.** Any retail business conducted on the premises shall be primarily for the use of the guests of the center, and there shall be no entrances directly from the road to such businesses, and no signs or other evidence indicating the existence of such businesses visible from the outside of the building.
  - e.** If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and

receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

2. In the MB zone the conference center and all associated structures and uses, unless proven to be water dependent, shall be located outside of the Buffer.
3. In the M2 zone the conference center shall be clearly accessory to a permitted industrial use. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.
4. In the NAR, SAR, SR, DR, BG, BI, MB, M1 and M2 zones, conference centers may provide food and beverages (both non-alcoholic and alcoholic) to guests of the center attending functions, meetings, conferences and other events at the facility. Service of food and beverages shall only be provided to guests of the center and not to the general public. Conference centers in the NAR, SAR, SR, and DR zones that have received special exception approval previous to the enactment of this language, will need to obtain Board of Appeals approval to provide alcoholic beverages to their guests.
5. All conference center structures in which alcoholic beverages are being served to guests and areas where alcoholic beverages are being consumed by guests shall be located a minimum of 1,000 feet from any structure on an adjoining parcel that is being used as a hospital, church or school or facility that serve youth.

(Amended 3/7/06)



## **Section 86. Hotels (3.08.000)**

- 1.** Hotels shall be permitted in the M1 zone provided:
  - a.** The parcel on which the hotel is to be located is part of a business park or industrial park.
  - b.** It contains at least fifty (50) rooms, and either a standard restaurant or meeting facilities of at least 5,000 square feet.
  - c.** It serves primarily as an accessory use to those businesses in the business/industrial park.
- 2.** Hotels shall be permitted in the MB zone provided the hotels do not exceed 15 rooms.
- 3.** Hotels may be permitted in the NAR, SAR, RR, SR, DR, TR, VR, RM, and MH zones as a special exception provided:
  - a.** Hotels do not exceed ten (10) rooms; and
  - b.** Access is directly from a collector or arterial road; and
  - c.** A bufferyard meeting the “D” standard of appendix B is provided between the Hotel, its parking area and all property lines; and
  - d.** Lighting shall be designed and controlled so that any light source, including interior of structure, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine into residential structures.

## **Section 87. Motels (3.09.000)**

- 1.** Motels shall be permitted in the MB zone provided the motels do not exceed fifteen rooms.
- 2.** Motels may be permitted in the NAR, SAR, RR, SR, DR, TR, VR, RM, and MH zones as a special exception provided:

(Amended 9/7/04)

- a. Motels do not exceed ten (10) rooms; and
- b. Access is directly from a collector or arterial road;
- c. A bufferyard meeting the “D” standard of appendix B is provided between the motel, its parking areas and all property lines; and
- d. All outdoor storage and refuse areas shall be fenced or screened from view; and
- e. Lighting shall be designed and controlled so that any light source, including interior of structure, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine into residential structures.

## **Part IV Institutional Uses**

### **Section 88. Schools, Private (4.01.100)**

Private schools, including elementary and secondary schools, including pre-school, kindergarten, as well as colleges, universities, community colleges, including associated facilities such as dormitories, offices, buildings, athletic fields, etc., shall be permitted in the NAR, SAR, RR, SR, TR, VR, DR, MH, RM and OS zones provided:

1. That such use can and will be developed in conformity with the following area, density, building coverage, frontage, setback, access, and screening requirements, where specified:
  - a. Minimum lot area, street frontage, and lot line setbacks shall be specified in a major site plan of development approved by the Office of Planning and Zoning, provided that in no event shall such standards be less than the area regulations for the zone in which the private school is proposed to be located; and
  - b. Building coverage and screening shall be specified in a Major Site Plan of development approved by the Office of Planning and Zoning; and
2. The requirements of subsection 1. above shall not apply to the use of any lot or tract of land for any private educational institution or parochial school that is located in a building or on premises owned or leased by any church or religious organization.
3. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

### **Section 89. Trade and Vocational Schools (4.01.200)**

Trade or vocational schools shall be permitted in the MB zone provided that the educational training is associated with maritime activities.

### **Section 90. Private Clubs (4.04.000)**

Private clubs shall be permitted in the M1 and M2 zones provided:

1. They are accessory to a permitted use, and
2. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive,

Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

**Section 91. Hospitals (4.05.100)**

Hospitals and other inpatient medical facilities, including mental health treatment facilities, may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR and MH zones provided:

1. The minimum site area shall be five (5) acres
2. The minimum street frontage shall be 200 feet
3. All structures shall be located at least 200 feet from any adjacent residential lot line and 50 feet from any other use.
4. All parking areas shall be located at least 50 feet from any adjacent residential lot.
5. Accessory uses may include recreational and educational services, therapy areas, retail stores, personal and professional services, and health services.
6. A minimum of twenty (20) percent of the gross site area shall be open space. The open space shall be generally continuous, accessible to the residents, and protective of natural features.
7. Building height limit shall be as determined by the Board of Appeals but in no case more than 100 feet.
8. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

**Section 92. Nursing Care Facility (4.05.200)**

Nursing care facilities may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH and RM zones and shall be permitted in the BG and BI zones provided that:

1. The minimum lot size is one (1) acre.
2. All structures shall be located at least one hundred (100) feet from adjacent residential property lines.

3. A road front bufferyard meeting the Bufferyard standard C in Appendix B shall be provided.
4. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

#### **Section 93. Cemeteries (4.06.120)**

Cemeteries, not located on church grounds, may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, and DR zones provided a buffer meeting Bufferyard standard C in Appendix B is provided between any burial plot and all lot lines.

#### **Section 94. Crematorium (4.06.200)**

Crematoriums may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, and DR zones provided:

1. Bufferyards shall be required by the Board of Appeals to adequately separate this use from adjacent uses or properties in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce impacts of noise, odor, or danger from fires or explosions.
2. This use is only permitted when in conjunction with a funeral home or cemetery.
3. Any crematorium shall be located at least two hundred (200) feet from any residential lot line.
4. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

### **Part V Recreation, Amusement, Entertainment Uses**

#### **Section 95. Indoor Recreation (5.01.000)**

Indoor recreation, for example bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses shall be permitted in the M1 and M2 zone provided the use is primarily for the benefit of employees working in the area. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and

receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

**Section 96. Theater - Drive-in (5.01.200)**

Theaters - drive-in, open air theaters, and amphitheaters shall be permitted as Special Exceptions in the BG and BI zones provided:

1. The picture face of the screen shall be so located that the picture will not be visible from adjacent roads and dwellings.
2. The screen shall be set back not less than two hundred (200) feet from all property lines.

**Section 97. Indoor Rifle or Pistol Ranges (5.01.300)**

Indoor rifle or pistol ranges may be permitted as a Special Exception in the BL, BG, BI, M1 and OS zones provided that such range is constructed in such a manner as to eliminate all danger to people and property from flying projectiles.

**Section 98. Off-Track Betting (5.01.400)**

Off-track betting shall be permitted in the BG, BI and OS zones provided no such establishment is located nearer than 1,000 feet to any principal structure used as a house of worship, school, hospital, or similar institution for human care.

**Section 99. Coliseums and Stadiums (5.01.500)**

Coliseums and stadiums may be permitted as a Special Exception in the BG, BI and M1 zones provided:

1. The principal vehicular access for the use is located on an arterial street or collector street and is not located on a local street.
2. The use does not draw vehicular traffic to or through local streets adjacent to residential areas.
3. The use is located at least 200 feet from any residential zone.
4. Adequate reservoir space for stacking of vehicles is located at the vehicular entrance, and sufficient vehicular entrances and exits are provided to prevent traffic congestion.
5. Automobile parking spaces are not located within a required setback area and are at least 50 feet from any lot line.

## **Section 100. Privately-Owned Outdoor Recreation Facilities (5.02.000)**

Outdoor recreation facilities such as golf and country clubs, swimming or tennis clubs, not constructed as part of a residential development project, may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH, and RM zones provided:

1. The provision of food, refreshments, and entertainment may be allowed in connection with such use.
2. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.
3. A bufferyard meeting the C standard in Appendix B shall be provided adjoining single-family zoning or uses not part of the golf course development.
4. Off-street parking and loading areas, golf tees, and maintenance facilities shall be screened by a bufferyard meeting the B standard in Appendix B at a minimum.
5. Driving ranges shall be located at least 300 feet from any residential or commercial property line or right-of-way line of any road.
6. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation (around areas developed for club houses, or other structures, roads and/or buildings) as described in Article XI, Part I of this Ordinance prior to any approvals.

## **Section 101. Campgrounds and Recreational Vehicle Parks (5.05.000)**

Campgrounds and recreational vehicle parks may be permitted as a Special Exception in the NAR, SAR and MH zones provided:

1. The maximum density does not exceed twenty (20) campsites per acre.
2. Each camp shall make available an adequate potable water supply and a sewage disposal system at such locations and of such construction as may be required by the Cecil County Health Department.
3. Each camp shall provide facilities for sanitary and health purposes in accordance with Health Department requirements.
4. A minimum of thirty (30) percent of the total camp area shall be reserved for open space. For campgrounds in the Critical Area, a minimum of sixty (60) percent open

space shall be provided. Open space areas shall not include areas required for individual campsites, roads, or service areas.

5. Garbage and trash collection stations shall be provided in such numbers and at such locations so as to provide for the convenient and sanitary storage and collection of garbage and trash.
6. Each park shall provide such fire protection equipment as may be required by the County or State Fire Marshall.
7. Interior roadways serving individual campsites in campgrounds shall be a minimum of twenty (20) feet in width and interior collector roads shall be a minimum of forty (40) feet in width. All roads shall be constructed of a durable surface to adequately serve all campsites.
8. All sites shall be setback a minimum of fifty (50) feet from adjacent property lines and State and County roads in the MH zone and one hundred (100) feet in the NAR and SAR zones. All sites shall be set back twenty (20) feet from all interior roads.
9. All campgrounds shall be surrounded by a bufferyard meeting the C standard in Appendix B. Existing natural vegetation, if appropriate, may be utilized to satisfy this requirement.
10. Each site shall contain a stabilized parking pad of shell, marl, paving, or other suitable material. No part of any unit placed on a campground site shall be closer than five (5) feet to a site line. Exposed ground surfaces in all parts of the campground shall be paved, or covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
11. There shall be at least three (3) off-street parking spaces designated for each two campground sites. Such parking may be provided in common areas or on individual sites.
12. All campgrounds, including all facilities, roadways, and landscaping thereon shall be maintained in a neat, orderly and attractive appearance.
13. Commercial uses are permitted, but shall be limited to grocery stores and laundry establishments to serve the users of the campground. No such commercial establishment shall be larger than five (5) square feet for each campsite and such establishments shall be shown on the approved site plan.
14. A major site plan shall be submitted to and approved by the Office of Planning and Zoning in accordance with Section 291.



15. No camp patron shall be permitted to maintain and/or use the camping site or facilities of any camp or campground permitted under this Ordinance for a period longer than 100 days in succession or for a total of more than 150 days within any one calendar year.
16. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation (around areas for camp buildings, or other structures, roads and/or buildings) as described in Article XI, Part I of this Ordinance prior to any approvals.

## **Section 102. Festivals or Events (5.06.000)**

Festivals or events may be permitted as a Special Exception in the NAR and SAR zones and shall be permitted in the BG, BI, MB and OS zones provided:

1. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
2. No temporary sanitary facility or trash receptacle may be located within 200 feet of an existing dwelling; no tent shall be located within 250 feet of an existing dwelling.
3. A drawing to scale shall accompany the application and shall accurately depict the standards of this section.
4. Seasonal business uses shall not exceed a total of 180 days in any 12 consecutive months.
5. Activity areas shall be at least 500 feet from a residential district.
6. A minimum of one parking space shall be provided for every 500 square feet of ground area of the total site.

## **Section 103. Automobile and Motorcycle Racing Tracks (5.07.000)**

Automobile and motorcycle racing tracks may be permitted as a Special Exception in the BI, M2, and MEA zones provided:

1. Any lot, parcel, or tract used for this purpose shall not be less than twenty-five (25) acres for motorcycle racing and seventy-five (75) acres for automobile racing.
2. No structure or enclosed racing area shall be located within 500 feet of any residential lot line.
3. Bufferyards meeting the E standard shall be required to screen this use from adjacent uses or properties.

4. The Board of Appeals may determine the hours of operation as appropriate.
5. Access shall be from an arterial or collector road.
6. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

#### **Section 104. Go Cart Track (5.08.000)**

Go cart tracks shall be permitted in the BG and BI zones provided:

1. No structure or enclosed racing area shall be located within 500 feet of any residential lot line.
2. Bufferyards meeting the E standard shall be required to screen this use from adjacent uses or properties.
3. Access shall be from an arterial or collector road.

#### **Section 105. Amusement Parks (5.09.000)**

Amusement parks may be permitted as a Special Exception in the NAR and SAR zones and shall be permitted in the BG and BI zones provided:

1. The principal access shall be provided from an arterial or collector road.
2. Separate vehicular entrances and exits shall be provided at least four hundred (400) feet away from any road intersection.
3. No buildings or structures including rides or other apparatus shall be located less than fifty (50) feet from any parcel boundary, or less than two hundred (200) feet from any adjacent residential lot.
4. No automobile parking space shall be located within any required setback area, nor within fifty (50) feet of any adjacent residential lot.
5. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

## **Section 106. Golf Courses, Public (5.10.000)**

Public golf courses, including associated driving ranges may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH, RM and OS zones provided:

1. The provision of food and refreshments may be allowed in connection with such use, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.
2. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.
3. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to residential districts or uses.
4. Vehicular access shall be derived from an arterial street.
5. A bufferyard meeting the C standard in Appendix B shall be provided adjacent to the pro-shop/office and parking areas when said facilities are located adjacent to residential districts.
6. A bufferyard meeting the C standard in Appendix B shall be provided adjoining residential districts not part of the golf course development.
7. Off-street parking and loading areas, golf tees, and maintenance facilities shall be screened by a bufferyard meeting the B standard in Appendix B at a minimum.
8. Driving ranges shall be located at least 300 feet from any property line or right-of-way line of any road unless perpendicular to, and hitting from said lines.
9. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation (around areas developed for club houses, or other structures, roads and/or buildings) as described in Article XI, Part I of this Ordinance prior to any approvals.

## **Section 107. Golf Driving Ranges, not part of a golf course (5.11.000)**

Golf driving ranges not part of a golf course shall be permitted in the BG and BI zones and may be permitted as a Special Exception in the OS zone, provided the driving range shall be located at least 300 feet from any property line or right-of-way line of any road unless perpendicular to, and hitting from said lines.

**Section 108. Rifle and Pistol Ranges, War Games, Archery Ranges, Skeet Shooting Ranges, or Other Recreational Weapons, Outdoor (5.13.000)**

Outdoor rifle and pistol ranges, war games, archery ranges, skeet shooting ranges, or other recreational weapons ranges may be permitted as a Special Exception in the NAR, SAR, BG, BI and OS zones provided:

1. Such use shall not be located nearer than 1,000 feet to the boundary of any residential, commercial or industrial zone or nearer than 1,000 feet to any residence.
2. Ranges shall be designed to insure the safety of users and passers-by.

**Section 109. Swimming Pool, Commercial (5.14.000)**

A commercial swimming pool, including accessory buildings, shall be permitted in the BG, BI and MB zones, and may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, DR, MH and RM zones provided:

1. The minimum area shall be one acre.
2. A commercial swimming pool in the MB zone shall be accessory to a marina.
3. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

**Part VI Emergency Services Uses**

**Section 110. Fire Stations with Assembly Hall (6.02.000)**

Fire stations with assembly hall may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR and MH zones provided:

1. The proposed site is large enough to accommodate peak parking demand.
2. That such use will not adversely affect the present character or future development of the surrounding residential community.

## **Part VII      Public and Semi-public Facilities**

### **Section 111.   Airports (7.02.000)**

Airports may be permitted as a Special Exception in the NAR, SAR, SR, BI, M1, M2, and OS zones provided:

1.      A satisfactory airspace analysis by the Maryland Aviation Administration (MAA) and Federal Aviation Administration (FAA) for operation under visual flight rules shall be submitted with the permit application.
2.      Landing areas for rotary wing aircraft shall be designed to comply with the Airport Design Guide of the FAA and MAA.
3.      Each landing, takeoff and utility area used by self-powered aircraft is provided with a dustproof surface.
4.      Each structure or area used for servicing or storing aircraft is located at least:
  - a. 200 feet from any residential property line.
  - b. 1,000 feet from any public or private institution.
5.      Parking of vehicles is not permitted within 100 feet of a property line.
6.      Appropriate airport accessory uses such as restaurants, snack bars, automobile rental agencies, airline business offices, and service facilities, but not manufacturing uses, may be permitted within the terminal building.
7.      If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

### **Section 112.   Helicopter Facilities (7.03.000)**

Helicopter facilities may be permitted as a Special Exception in the NAR, SAR, BG, BI, M1, M2 and OS zones provided:

1.      The facility meets the standards of the Federal Aviation Agency and the Maryland Aviation Administration.
2.      The landing areas to be used by helicopters are provided with a dustproof surface.

3. Parking of vehicles is not permitted within the setback requirements for the district in which the facility is located.
4. In all heliports, the housing and repair of helicopters and all structures or facilities used to house and repair helicopters are located at least:
  - a. 50 feet from any property line, and
  - b. 200 feet from any dwelling or public or private institution.
5. Each heliport facility is surrounded by a sturdy and well-constructed fence or by dense planting at least six feet in height, with a suitable gate effectively controlling access to the area.
6. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

#### **Section 113. Prisons (7.04.000)**

Prisons may be permitted as a Special Exception in the M1, M2 and OS zones provided:

1. The applicant shall demonstrate the ability to maintain the safety of the residents in the surrounding neighborhood.
2. Bufferyards meeting the E standard in Appendix B shall be provided as required along the perimeter of the property.

### **Part VIII Utilities**

#### **Section 114. Electric Power, Gas Transmission and Telecommunications Buildings and Structures (8.02.000)**

Electric power, gas transmission and telecommunications buildings and structures, including substations, shall be permitted in all zones provided:

1. Public utility buildings, whenever practicable, shall have the exterior appearance of residential buildings when in a residential zone and shall have suitable landscaping, screen planting, and fencing.
2. Examples of electric power, gas transmission and telecommunication buildings and structures are buildings and structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices.

## **Section 115. Communication Towers (8.04.000)**

Communication towers may be permitted as a Special Exception in the NAR, SAR, SR, TR, DR, MH, and RM zones and shall be permitted in the BG, BI, M1 and M2 zones provided:

- 1.** Except in the NAR & SAR zones, the proposed tower shall have a setback of one foot from all property lines for every foot of height of the tower and associated antennae. Upon a showing by the applicant that the proposed tower is structurally engineered in such a manner that a reduced fall zone is adequate, the Board of Appeals may reduce the setback to no less than one half (1/2) the height of the proposed tower. Such a showing must be based on the written testimony of a structural engineer or other qualified professional.

In the NAR & SAR zones, the proposed tower shall have a setback of three times the height of the tower from the nearest principal roadway and a setback of one foot from all other property lines for every foot of height of the tower. New towers shall be built at the lowest height possible that will still allow for co-location and will not necessitate the construction of additional towers to achieve the same service coverage objectives.

- 2.** The applicant shall demonstrate that a diligent effort has been made to locate the proposed communication facility on an existing structure or in a non-residential zoning district, and that due to valid considerations, including physical constraints and economic or technical feasibility, or other appropriate location is available. An alternatives analysis prepared by the applicant shall address the following:
  - a.** all reasonably feasible alternative locations or facilities that would provide the proposed communication service;
  - b.** an analysis indicated whether an existing facility can be structurally modified to accommodate the applicant's proposed use and coverage;
  - c.** the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area;
  - d.** the rationale for the selection of the proposed site in view of relative merits of any feasible alternatives;
  - e.** a system design plan that shall include:
    - i. radio frequency parameters;
    - ii. tower height;
    - iii. number of antennas that the proposed tower can accommodate at capacity;
    - iv. radio frequency output; and
    - v. effective radiated power and azimuth antenna type.
  - f.** demonstration of a good faith effort to co-locate with other carriers including a survey of all existing structures that may be reasonable for co-location and contacts with other service providers in the County.

The information submitted by the applicant shall include a map of the area to be served by the tower, its relationship to other antenna sites in the applicants network, an evaluation of existing structures taller than 50 feet, and communication towers,

electrical transmission towers, and water towers within a one-half mile radius of the proposed tower, aerial and ground photographs of the site and surrounding areas, elevation drawings of all equipment and storage buildings on the property, and the color and building materials to be used on the proposed telecommunication facility.

3. New communication towers shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons. Unless co-location has been determined to be infeasible, the Plan shall delineate an area near the base of the tower to be used for the placement of additional equipment buildings for other users.
4. Where feasible, the tower shall be situated within or adjacent to mature tree growth and under story vegetation that provides an effective year round visual buffer and should only be considered elsewhere on the property when technical or aesthetic reasons indicate there are no other preferable locations. Ground level equipment and buildings and the tower base shall be screened from public streets and residentially zoned properties. Ground level equipment buildings shall be constructed of either masonry or wood with either wood, vinyl, reinforced concrete, or other good quality siding material.
5. Communication Towers shall be gray or a similar color that minimizes visibility, unless a different color is required by the Federal Communications Commission or the Federal Aviation Administration.
6. No signals or lights shall be permitted on a tower unless required by the Federal Communications Commission or the Federal Aviation Administration.
7. A Communication Tower that is no longer in use shall be removed from the site within six (6) months of the date that the uses cease.

## **Part IX        Commercial Service Uses**

### **Section 116.   Commercial Service Establishments Less Than 5,000 Square Feet (9.01.000)**

1. Commercial service establishments less than 5,000 square feet in floor area shall be permitted in the MH zone provided:
  - a. The commercial service establishment is located in a manufactured home park.
  - b. The floor space does not exceed 10 square feet per permitted manufactured home.
  - c. No establishment shall be larger than 1,000 square feet.



- d.** The BL zone portion of the Table of Permissible Uses shall apply to business uses in a manufactured home park.
  - e.** The number and location of such establishments is shown on the approved plat or site plan.
  - f.** The requirements of the BL zone shall apply to business uses in a manufactured home park.
- 2.** Commercial service establishments less than 5,000 square feet in floor area shall be permitted in the RM zone provided:
  - a.** The gross floor area of such establishments does not exceed ten (10) square feet for every dwelling unit approved in the development and no individual establishment shall exceed 1,000 square feet.
  - b.** Business uses shall only be approved under these provisions for developments approved after the adoption of this Ordinance.
  - c.** The BL zone portion of the Table of Permissible Uses shall apply to business uses in a development in the RM zone.

- d. The requirements of the BL zone shall apply to business uses in a development in the RM zone.
- e. No business establishment in a RM zone shall have direct access onto a major collector roadway or arterial roadway as defined on the Official Cecil County Roadway Classification Map.
- f. Where such business uses are located in apartment buildings, they shall be limited to the first floor of such buildings, and shall not be permitted in more than one building on the development tract.
- g. Business Establishment Phasing
  - (1) Any portions or parcels of a development in the RM zone designated for business uses shall be shown as such on the site plan to be reviewed.
  - (2) No business establishment shall be permitted to operate until twenty-five percent (25%) of the residential units are constructed.
- 3. Commercial service establishments less than 5,000 square feet shall be permitted in the MB zone provided the commercial establishments are clearly accessory to a permitted use and the uses are located outside of the Buffer.
- 4. Commercial service establishments less than 5,000 square feet shall be permitted in the M1 and M2 zones provided that:
  - a. The establishments are designed to serve employees of industrial sites in the immediate vicinity.
  - b. The commercial establishments are clearly accessory to a permitted use.
  - c. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

**Section 117. Commercial Service Establishments Greater than 5,000 square feet (9.02.000)**

Commercial service establishments greater than 5,000 square feet shall be permitted in the MB zone provided that the commercial service is associated with watercraft.

**Section 118. Office Building, Class A (9.03.100)**

Office buildings, Class A shall be permitted in the M2 zone provided it is accessory to a permitted use. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

**Section 119. Office Building, Class C (9.03.300)**

Office Buildings, Class C, may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH and RM zones provided:

1. The maximum floor area for office use is less than 3,000 square feet.
2. The maximum sign area shall be three (3) square feet.

**Section 120. Banks, Drive-in (9.04.000)**

Drive-in banks shall be permitted in the BL, BG and BI zones provided:

1. Entrances and exits to drive-in banks shall be located at least fifty (50) feet from adjacent intersections.
2. Drive through lanes shall be marked with distinctive pavement markings and/or special striping and shall not block exit or entry to building or to off-street parking spaces otherwise required on the site.
3. Adequate spaces for stacking (line-up) at drive through facilities shall be provided.
4. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.

**Section 121. Health Club (9.06.000)**

Health clubs shall be permitted in the M1 and M2 zones, provided:

1. The Health Club is designed to serve employees of industrial establishments in the immediate vicinity.
2. The health club is clearly accessory to a permitted use.

## **Section 122. Funeral Parlors (9.08.000)**

Funeral parlors or undertaking establishments may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, and DR zones provided:

1. No cremation will occur on site.
2. The grounds and exterior of all buildings shall be kept and maintained in conformity with the prevailing standards of the community.
3. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

## **Section 123. Animal Hospitals (9.09.000)**

Animal hospitals may be permitted as a Special Exception in the NAR and SAR zones and shall be permitted in the BL and BG zones provided:

1. Outdoor animal boarding places shall be located at least 100 feet from any street or the nearest property line, and
2. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

## **Part X Commercial Retail and Wholesale Uses**

### **Section 124. Commercial Retail Establishments Less Than 5,000 Square Feet (10.01.000)**

1. Commercial retail establishments less than 5,000 square feet in floor area shall be permitted in the MH zone provided:
  - a. The commercial retail establishment is located in a manufactured home park.
  - b. The floor space does not exceed 10 square feet per permitted manufactured home unit.
  - c. No establishment shall be larger than 1,000 square feet.

- d. The BL zone portion of the Table of Permissible Uses shall apply to business uses in a manufactured home park.
  - e. The number and location of such establishments is shown on the approved plat or site plan.
  - f. The requirements of the BL zone shall apply to business uses in the manufactured home park.
2. Commercial retail establishments, less than 5,000 square feet in floor area shall be permitted in the RM zone provided:
- a. The gross floor area of such establishments does not exceed ten (10) square feet for every dwelling unit approved in the development and no individual establishment shall be larger than 1,000 square feet.
  - b. Retail uses shall only be approved under these provisions for developments approved after the adoption of this Ordinance.
  - c. The BL zone portion of the Table of Permissible Uses shall apply to business uses in a development in the RM zone.
  - d. Where such business uses are located in apartment buildings, they shall be limited to the first floor of such buildings, and shall not be permitted in more than one building on the development tract.
  - e. The requirements of the BL zone shall apply to business uses in the RM zone.
  - f. The location of such establishments is shown on the approved plat or site plan.
  - g. Business Establishment Phasing
    - (1) Any portions or parcels of a development in the RM zone designated for business uses shall be shown as such on the site plan to be reviewed.
    - (2) No business establishment shall be permitted to operate until twenty-five percent (25%) of the residential units are constructed.
3. Commercial retail establishments less than 5,000 square feet shall be permitted in the MB zone provided the commercial establishments are clearly accessory to a permitted use and are located outside of the Buffer.

4. Commercial retail establishments less than 5,000 square feet shall be permitted in the M1 and M2 zones provided that:
  - a. The establishments are designed to serve employees of industrial sites in the immediate vicinity.
  - b. The commercial establishments are clearly accessory to a permitted use.

**Section 125. Commercial Retail Establishments Greater than 5,000 square feet (10.02.000)**

Commercial retail establishments greater than 5,000 square feet shall be permitted in the MB zone provided that the commercial retail is associated with watercraft.

**Section 126. Adult Bookstore and/or Entertainment Center (10.03.000)**

Adult bookstore and/or entertainment center may be permitted as a Special Exception in the BG and BI zones provided that no such establishment shall be nearer than 1,500 feet to any principal structure used as a house of worship, school, hospital, or similar institution for human care.

**Section 127. Alcoholic Beverage Sales/Liquor Store (10.04.000)**

Alcoholic beverage sales and/or liquor stores may be permitted as a Special Exception in the BL and MB zones and shall be permitted in the BG and BI zones provided that no such establishment is located nearer than 1,000 feet to any principal structure used as a hospital, house of worship, or school.

**Section 128. Antique Shops (10.05.000)**

Antique shops may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR and MH zones in an existing building or part of an existing building provided:

1. The original character of the building be maintained.
2. Signs shall be limited to an identification sign with a maximum area of three (3) square feet.

**Section 129. Auction Houses (10.06.000)**

Auction houses may be permitted as a Special Exception in the NAR, SAR and OS zones provided that the products offered at auction are limited to farm animals, agricultural products and/or agricultural machinery. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant

must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

**Section 130. Shopping Center (10.11.000)**

Shopping centers shall be permitted in the BL, BG and BI zones, provided that:

1. A traffic impact study is submitted with the site plan for the shopping center.
2. The shopping center will provide establishments of integrated and harmonious design, together with adequate and properly arranged traffic and parking activities and landscaping which will be attractive, efficient, convenient, pleasant, and safe, and which will fit harmoniously into, and will have no adverse impact upon the adjoining and surrounding development.

**Section 131. Restaurants, Standard (10.12.100)**

1. Standard restaurants shall be permitted in the M1 and M2 zones provided the restaurant is designed to serve employees of industrial establishments in the immediate vicinity. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.
2. Standard Restaurants shall be permitted in the MB zone provided:
  - a. When such use abuts a residential zone or institutional premises the use shall be screened by a bufferyard meeting the C standard in Appendix B.
  - b. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.
  - c. It shall be located outside of the Buffer.
3. Standard restaurants may be permitted in the NAR, SAR, RR, SR, DR, TR, VR, MH and RM zones as a special exception provided:
  - a. Access is directly from a collector or arterial road; and
  - b. A bufferyard meeting the D standard of appendix B is provided between the restaurant, its parking area, and all property lines; and
  - c. All outdoor storage and refuse areas shall be fenced or screened from view; and
  - d. Lighting shall be designed and controlled so that any light source, including interior of structure, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine into residential structures.

**Section 132. Restaurants, Carry-Out/Delivery (10.12.200)**

1. Carry-out/delivery Restaurants shall be permitted in the M1 and M2 zones, provided the restaurant is designed to serve employees of industrial establishments in the immediate vicinity. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.



2. Carry-out/delivery Restaurants shall be permitted in the MB zone if the restaurant is an accessory use in a marina and provided:
  - a. When such use abuts a residential zone or institutional premises the use shall be screened by a bufferyard meeting the C standard in Appendix B.
  - b. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.
  - c. It shall be located outside of the Buffer.

**Section 133. Restaurants, Drive-thru or Fast Food (10.12.300)**

Drive-in/drive thru restaurants shall be permitted in the BG and BI zones provided:

1. Not more than two such establishments shall be located at an intersection and ingress and egress to such establishments shall be located at least 150 feet from an intersection.
2. The ingress and egress of such establishments to or from a collector or arterial highway shall not be located nearer than 1,000 feet to each other in any direction, except at intersections and except where such establishments may be on opposite sides of a divided highway.
3. When such use abuts a residential zone or institutional premises the use shall be screened by a bufferyard meeting the D standard in Appendix B.
4. Drive through lanes shall be marked with distinctive pavement markings and/or special striping.
5. Adequate spaces for stacking (line-up) at drive through facilities shall be provided.
6. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.

**Section 134. Taverns (10.12.400)**

Taverns shall be permitted in the BL, BG, BI and MB zones provided that no such establishment is located nearer than 1,000 feet to any principal structure used as a hospital, church, or school and shall be accessory to a standard restaurant in the MB zone and must be located outside the Buffer insofar as possible.

## **Part XI        Motor Vehicle Related Sales and Service Uses**

### **Section 135.   Motor Vehicle Filling Station (11.02.000)**

Motor vehicle filling stations shall be permitted in the BL, BG and BI zones, provided:

1.     Pump location:
  - a.     Each pump shall be at least 30 feet from any street line and 50 feet from any residential property line.
  - b.     No canopy over a pump island shall project within 15 feet from a street line.
2.     In the BL zone the gasoline sales shall be accessory to a permitted use and no service, repair or storage of motor vehicles shall take place on the premises.
3.     Lighting shall be designed and controlled so that any light source, including interior of a structure, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine into residential structures.
4.     Any outdoor storage or refuse area shall be fenced or screened from view and must be approved as to location and design.
5.     The establishment shall provide a minimum of three (3) spaces for each grease rack or working bay, plus one (1) space for each employee on duty, plus a separate parking space for each accessory vehicle, such as tow trucks.
6.     A motor vehicle filling station shall only be permitted if all adjoining properties adjacent to the filling station are served by public water.

### **Section 136.   Motor Vehicle Rental (11.03.000)**

Motor vehicle rentals shall be permitted in the MB zone provided:

1.     The rentals are accessory to a marina, and
2.     The number of motor vehicles located in a marina and offered for rent is limited to five (5).

### **Section 137.   Motor Vehicle Repair and Maintenance (11.04.000)**

Motor vehicle repair and service shops shall be permitted in the BL zone provided that:

1.     No abandoned vehicles are kept on the property.

2. No more than five (5) vehicles shall be kept outdoors at any one time pending repair unless fully screened from the road and adjacent properties.
3. No auto bodywork or painting shall be permitted.

**Section 138. Salvage Yards (11.05.000)**

Salvage yards may be permitted as a Special Exception in the NAR, SAR and BG zones and shall be permitted in the M2 zone provided:

1. The parcel on which the use is situated shall be enclosed with a continuous fence or evergreen shrubbery screen, as approved by the Office of Planning and Zoning. Existing evergreen vegetation may be used as the shrubbery screen, provided that no activities of said salvage yard are visible from any roadway or adjacent property.
2. In the NAR, SAR or M2 zones, no inoperable or operable vehicles or vehicle parts shall be located outside the fence or evergreen shrubbery screen.
3. In the BG zone no inoperable vehicles or vehicle parts shall be located outside the fence or evergreen shrubbery screen. For the purposes of this section an operable vehicle is able to be driven off the lot under its own power.
4. There shall be no stacking of vehicles, one upon the other, and any materials shall not be stacked or piled so as to reach a height of six (6) feet or greater.
5. Burning of junk shall only be permitted in the M2 zone provided that the applicable Health Department permits are received.
6. No materials or refuse shall be collected, accumulated or stored within twenty-five (25) feet of any lot line or right-of-way line. All materials or refuse shall be located within the fence or evergreen shrubbery screen.
7. All fluids (oil, gasoline, transmission fluid, windshield washer fluids, etc.) and batteries from the salvaged vehicles shall be removed from said vehicles and disposed or recycled according to the Maryland Department of the Environment prior to dismantling and/or storage of the vehicle.
8. New salvage yards shall be permitted on parcels ten (10) acres or larger. Existing salvage yards on parcels less than ten (10) acres shall be considered a non-conforming use.
9. New salvage yards shall be required to submit a Site Plan in accordance with Section 291.

10. Expansions of existing salvage yards shall be required to submit a Site Plan in accordance with Section 291.
11. **Salvage Yard License Required.** The proprietor of any proposed or existing salvage yards shall be required to obtain a Salvage Yard License from the Office of Planning and Zoning. Salvage Yard Licenses shall be renewed every two (2) years. Salvage Yard Licenses issued under the previous Zoning Ordinance shall be renewed within one year of the date of the last renewal and every two (2) years thereafter. Salvage Yard Licenses shall not be issued to those salvage yards not in compliance with items 1-7 above. Salvage Yard Licenses may be revoked by the Office of Planning and Zoning if the salvage yard is not in compliance with items 1-7 above. Salvage yards shall not operate without a valid Salvage Yard License and any salvage yard operating as such shall be issued a Stop Work Order by the Office of Planning and Zoning. In determining whether or not to issue a Salvage Yard License, the Office of Planning and Zoning may require any information as necessary from the Salvage Yard proprietor to determine compliance with this Ordinance. Inspectors from the Office of Planning and Zoning may inspect any salvage yard at any reasonable time to ensure compliance with the provisions of this Ordinance.
12. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

#### **Section 139. Towing Services (11.06.000)**

Towing services shall be permitted in the BG, BI and M1 zones provided:

1. Any automobile and light truck storage is enclosed with a continuous fence or evergreen shrubbery so that storage is not visible from roads or adjoining properties.
2. The lot may not be used for the permanent storage of junked cars.

#### **Section 140. Travel Trailer (11.07.000)**

Travel trailers may be permitted as a temporary residence in the NAR, SAR, and MH zones provided that the travel trailers are located within a legally existing campground.

#### **Section 141. Storage Trailer Facility (11.09.000)**

Storage trailer facilities shall be permitted in the BG, BI and M2 zones provided the trailers are not located in the required bufferyards. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant

must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

#### **Section 142. Bus Storage (11.10.000)**

Bus storage may be permitted as a Special Exception in the NAR and SAR zones provided:

1. The lot that the storage is located on must be at least five (5) acres or larger.
2. Bufferyards meeting the C standard of Appendix B shall be provided at property boundaries.
3. No materials or vehicles shall be collected, accumulated, or stored within one hundred (100) feet of any front property line or within fifty (50) feet of any side or rear property line.
4. Any maintenance of these vehicles must be within the prescribed areas above, and should be done in a manner which does not create a nuisance to adjoining property owners.
5. Fuel storage of any kind shall be done in a manner which has been approved by all Federal, State, and Local Regulating authorities (i.e., EPA, Fire Marshall, Environmental Health).
6. Storage of unlicensed vehicles is prohibited.
7. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

### **Part XII Industrial Uses**

#### **Section 143. Light Industrial Use (12.01.200)**

Light industrial uses may be permitted as a Special Exception in the NAR and SAR zones provided that:

1. There is no outdoor storage.
2. The minimum parcel size shall be ten (10) acres.
3. The minimum building setbacks for front, rear and sides shall be three hundred (300) feet. Side and rear setbacks may be reduced to fifty (50) feet when adjacent to a

business or industrial zone. Front setbacks off of internal roads shall be 50 feet. Principal buildings shall be separated by at least one hundred (100) feet. Setbacks for parking areas shall be one hundred (100) feet from all residential zones and existing roadways.

4. The maximum building coverage of the entire site is twenty-five (25) percent.
5. The maximum height of the buildings shall be seventy-five (75) feet.
6. A minimum of thirty (30) percent of the development envelope shall be landscaped in accordance with Article X. The landscaping shall include screening to insure that loading and unloading activities are not visible from any public road or street.
7. All new distribution utility lines shall be underground except relocation of existing lines.
8. Bufferyards meeting the D standard of Appendix B shall be provided at property boundaries and street trees shall be provided in accordance with Article X.
9. The lot on which the facility is located and the principal entrance(s) for employees and for shipping and receiving are located in a controlled access or major arterial highway as proposed in the Comprehensive Plan (U.S. 40, U.S. 301, MD 213, and MD 273) or on the following other major highways: MD 222, MD 272, MD 274, MD 275, MD 276, MD 279, and MD 316.
10. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

#### **Section 144. Sawmills (12.05.000)**

Sawmills may be permitted as a Special Exception in the NAR and SAR zones provided:

1. No saw or other machinery shall be less than 300 feet from any lot or street line.
2. All power saws and machinery will be secured against tampering or locked when not in use.
3. Such a use shall be for a period of three years only, subject to renewal.
4. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive,

Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

**Section 145. Winery (12.06.000)**

Wineries shall be permitted in the NAR, SAR, RR, SR, DR, VR, TR, MH, and RM zones provided:

1. The winery is accessory to a vineyard; and
2. Access is not derived from an internal street of a subdivision; and
3. Adequate off street parking is provided. Parking shall be adequately screened from adjacent properties; and
4. The facility may provide food and beverages at events such as wine tastings, weddings, business meetings and conferences; and
5. No type of advertising for the winery shall be carried out on the property except one (1) sign identifying the winery, limited to sixteen (16) square feet in size.

**Section 146. Concrete and Asphalt Plant (12.08.000)**

Concrete and asphalt batching plants shall be permitted in the M2 and MEA zone, provided:

1. Operation structures shall not be erected and storage of materials shall not take place within two hundred (200) feet of any property line or one hundred (100) feet to the right-of-way of any road.
2. The setback from property line shall not apply if the adjoining lot is being used for heavy industry or mineral extraction.
3. A bufferyard meeting the E standard in Appendix B shall be provided between the operation structures and any right-of-way of any road.
4. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

**Section 147. Mini-Storage (12.12.000)**

Mini-storage shall be permitted in the BG and BI zones provided:

1. No activities other than the dead storage or transfer of non-volatile goods or leasing of storage space are permitted.
2. A bufferyard meeting the D standard of Appendix B shall be provided at property boundaries when adjoining properties used or zoned for residential purposes.
3. A bufferyard meeting the C standard of Appendix B shall be provided at property boundaries when adjoining properties used or zoned for other than residential purposes.

#### **Section 148. Non-Automotive Fuel Sales or Storage (12.13.000)**

Non-automotive fuel sales shall be permitted in the BG, BI, M1 and M2 zones provided:

1. All storage tanks are setback 300 feet from all property lines.
2. The sale of kerosene or propane shall be permitted as an accessory use at motor vehicle filling station and all pumps shall be setback according to the motor vehicle filling stations requirements.
3. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

#### **Section 149. Research and Development Facilities (12.14.000)**

Research and development facilities and laboratories without processing of materials may be permitted as a Special Exception in the NAR, SAR, SR, TR and DR zones provided:

1. The site area shall be ten (10) acres.
2. Structures erected or to be used shall not be less than 100 feet from any external property line.
3. Such uses shall be confined to a structure(s).
4. Off-street parking shall not be less than 100 feet from an external property line.
5. Goods or products are manufactured or processed only to the extent necessary for testing, evaluation, and test marketing to reach a commercialization decision and permit safe transfer to full manufacturing facilities.
6. A bufferyard meeting the C standard in Appendix B shall be required at property boundaries that adjoin a residential use and roadways.
7. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.



### **Section 150. Petroleum Products Recycling Facilities (12.15.200)**

Petroleum products recycling may be permitted as a Special Exception in the M2 zone provided that any recycling structures or tanks storing fuel are setback five hundred (500) feet from any residential or commercial property line or right-of-way line of any road. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

### **Section 151. Hazardous Waste Recycling Facility (12.15.300)**

Hazardous waste recycling facility may be permitted as a Special Exception in the M2 zone provided that:

1. No part of the facility shall be permitted within 1,000 feet of any legally permitted residence or within 500 feet of an adjoining property line.
2. A 200 foot buffer is provided from the edge of any defined 100 year floodplain, perennial stream or non-tidal wetland. This buffer may be increased up to 300 feet to contain contiguous slopes over fifteen (15) percent or hydric soils.
3. A major site plan is approved in accordance with Section 291.
4. No hazardous waste is permanently stored in landfills under any circumstances.
5. Storage of hazardous waste must meet all State and Federal regulations.

### **Section 152. Hazardous Waste Incineration Facility (12.15.400)**

Hazardous waste incineration facility may be permitted as a Special Exception in the M2 zone provided that:

1. No part of the incineration facility shall be within 1,000 feet of any legally permitted residence or within 500 feet of any property line.
2. A 200 foot buffer is provided from the edge of any defined 100 year floodplain, perennial stream or non-tidal wetland. This buffer may be increased up to 300 feet to contain contiguous slopes over fifteen (15) percent or hydric soils.
3. A major site plan is approved in accordance with Section 291.
4. No hazardous waste is permanently stored in landfills under any circumstances.
5. Storage of hazardous waste must meet all State and Federal regulations.

### **Section 153. Rubble Landfill (12.15.500)**

Rubble landfills may be permitted as a Special Exception in the OS zone provided:

1. The rubble landfill is publicly owned.
2. Prior to review by the Planning Commission and the public hearing before the Board of Appeals, the applicant shall prepare an assessment of the effects of the planned activities on the immediately surrounding environment, addressing all major environmental issues referenced in COMAR 26.04.07.06B. and any amendments thereto, and a generalized site plan of sufficient detail to show access, site activities and phasing of proposed activities.
3. A minimum of 100 acres shall be required for a rubble landfill site.
4. The rubble landfill shall not adversely impact a potable water supply.
5. All areas in which solid waste is deposited shall be at least 500 feet from the edge of any 100-year floodplain boundary line.
6. Rubble landfills shall be developed so that dumping areas shall not be nearer than one hundred (100) feet to any street line or property line and shall not be nearer than one thousand (1,000) feet from any lawfully permitted residential or institutional building.
7. The rubble landfill shall be contoured to substantially conform to the highest point of original grade of the site and in any case, the height of the landfill shall not exceed the height of the tallest structure or natural feature within 2,500 feet of the parcel in existence at the time of adoption of this Ordinance.
8. A bufferyard meeting the E standard in Appendix B shall be provided around the perimeter of the rubble landfill.
9. All approved rubble landfills shall have a one (1) foot thick clay bottom of  $1.0 \times 10^{-7}$  cm/sec. or less permeability and a minimum thirty (30) millimeter thickness synthetic liner of  $1.0 \times 10^{-10}$  cm/sec. permeability. Leachate collection and treatment shall be required. All side slopes shall not exceed 4 to 1.
10. The land area for the operation shall not be in the Critical Area.
11. Only the following materials may be disposed of in a rubble landfill:
  - a. Land clearing debris
    - (1) earthen material such as clay, sand, gravel and silt

- (2) topsoil
- (3) tree stumps
- (4) root materials
- (5) limbs - over 6" in diameter
- (6) logs
- (7) vegetation; and
- (8) rock

**b. Demolition Debris**

- (1) Acceptable demolition debris associated with the razing of buildings, roads, bridges, and other structures includes structural steel, concrete, brick (excluding refractory type), lumber, plaster and plasterboard, insulation material, cement, shingles and roofing material, floor and wall tile, asphalt, pipes and wires, and other items physically attached to the structure.
- (2) Unacceptable demolition debris includes industrial waste or by-products including paper, cardboard, household appliances and white goods - any other material on the County recycle list including liquid waste, sludge, contaminated soils, paint, glaze and caulk containers - any waste materials, contained within structure or on the grounds of the structure being demolished that are not physically part of the structure, or which are comprised of or contain materials that pose an undue risk to public health or the environment.

**c. Construction Debris**

- (1) Acceptable construction debris is structural building materials including cement, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation, shingles, floor, wall and ceiling tile, pipes, glass, wires, carpet, wallpaper, roofing, felt, or other structural fabrics.
- (2) Unacceptable construction debris includes commercial, domestic, or industrial wastes or by-products, paint, tar or tar containers, caulking compounds, glazing compounds, paint thinner or other solvents or their containers, creosote or other preservatives or their containers, tile,

paneling, or carpet cement or other adhesives, and other solid waste which may contain an unacceptable waste or substance as may be determined by the Department of Public Works to be unacceptable.

- d.** Asbestos Waste. Asbestos waste is acceptable provided that the material that is received is packaged and labelled as specified in COMAR 16.11.15.04, and is managed in the following manner:
  - (1)** Prior notification to the landfill supervisor is required;
  - (2)** The waste asbestos is unloaded carefully to prevent emission of fibers in the air;
  - (3)** The areas used for burial of asbestos shall be restricted to the working face of the landfill, or a separate cell dedicated solely to asbestos disposal;
  - (4)** The waste shall be completely covered immediately with earth and may not be compacted or driven over until sufficient cover has been applied as specified by standards developed by the Department of Public Works to prevent the release of asbestos fibers to the atmosphere during compaction or application of other cover material; and
  - (5)** Operators of the landfill shall wear respiratory protection approved by the National Institute for Occupational Safety and Health for protection against asbestos fibers, and the protective clothing when considered necessary.
- e.** Other Waste Materials. Waste materials not specifically listed in this section may not be disposed of in a rubble landfill before receiving written approval of the Department of Public Works.
- f.** Disposal of tires shall not be permitted.

## **12. General Provisions**

- a.** Bonding. Bonding shall be required by Environment Article, § 9-211(c), Annotated Code of Maryland. Evidence of bonding shall be provided to the Director, Cecil County Department of Public Works.
- b.** No dumping or construction may begin on a rubble landfill approved under special exception unless and until the Cecil County Solid Waste Management Plan has been amended to incorporate the proposed facility and a State permit has been obtained.

(Amended 6/18/08, 2/16/10)

- c. Upon approval, the applicant shall be required to submit an annual report to the Cecil County Commissioners listing the following:
  - (1) The amount of capacity utilized to date;
  - (2) The remaining capacity of the landfill;
  - (3) The projected amount of time the landfill may remain open before reaching capacity; and
  - (4) any restrictions the operator intends to impose to prolong the landfill's life.
- d. Based upon information received with respect to all the above factors, the Board of Appeals may grant or deny the requested special exception or may, in the interests of the health, welfare and safety of the citizens of Cecil County, increase, decrease or otherwise alter the requested special exception or grant it upon special conditions, or in other ways alter the distance and other requirements as set forth in this section.
- e. The Board of Appeals shall condition any special exception for a rubble landfill upon consent by the applicant to inspection of the site, or any aspect of the operation of the facility, for compliance with the terms of the special exception, or any requirement of federal, state or local law, regulation, or permit applicable to the landfill, by appropriate county employees, at reasonable times, without any prior notice to the owners or operator of the landfill.
- f. The rubble landfill operator shall grant county inspectors and checkers access to any part of the site during operating hours to allow the inspectors and checkers to determine whether the landfill is being operated in accordance with all applicable laws, regulations, and permits.

#### **Section 154. Sanitary Landfill (12.15.600)**

- 1. Sanitary landfills may be permitted as Special Exceptions in the OS zone provided:
  - a. No dump shall be maintained, nor any trash, refuse, or junk discarded at any location other than a sanitary landfill operated for public use.
  - b. The sanitary landfill shall be developed so that dumping areas shall not be nearer than one hundred (100) feet to any street line or property line.
- 2. Prior to review by the Planning Commission and the public hearing before the Board of Zoning Appeals, the applicant shall prepare an assessment of the effects of the

planned activities on the immediately surrounding environment, addressing all major environmental issues referenced in COMAR 26.04.07.06B. and any amendments thereto, and a generalized site plan of sufficient detail to show access, site activities and phasing of proposed activities.

3. All areas in which solid waste is deposited shall be at least 500 feet from the edge of any 100-year floodplain boundary line.

### **Section 155. Sludge Handling (12.15.700)**

Sludge handling may be permitted as a Special Exception in the NAR, SAR, OS and MEA zones provided that:

1. Prior to review by the Planning Commission and the public hearing before the Board of Appeals, the applicant shall prepare an environmental impact statement. This report shall include, but is not limited to:
  - a. A site plan incorporating an approved conservation plan for sludge application, using the universal soil loss equation for the computation of soil loss; said site plan shall be kept on file in the Soil Conservation Office of Cecil County and implemented.
  - b. Description of the project, including application rates, soil conservation measures, sludge source, means of transportation to the site(s), biological and chemical composition of the sludge as determined by the State Department of Agriculture and/or the University of Maryland Department of Agronomy and a comparison to the existing maximum concentrations and limits of its contents according to the Maryland State Department of Environment permissible limits, application method, the name of the contractor who will apply the sludge, and a certificate of sludge origin.
  - c. A three year plan for crop planting following sludge application.
  - d. An analysis of the project's positive and negative environmental impacts relating but not limited to ground water quality, surface water runoff, sediment transport, soil chemistry, heavy metals, pathogens, toxic organic, odor, and wildlife.
  - e. A description of potential impacts on other uses of the property and the uses of other properties in the vicinity.
  - f. A monitoring program to assure uniform methods of application and the nature of sludge material as approved by the Board of Appeals. The program must

(Amended 6/18/08, 2/16/10)

also provide data on ground water and surface water conditions using standard scientific method.

- g.** A description of the relationship between the project and all County plans, policies and controls.
- h.** Description of all permits required by Federal, State, and local agencies and their status.

**2.** Co-landfilling shall meet the following requirements:

- a.** Co-landfilling shall not be permitted within 300 feet of a residence or within 100 feet of an adjoining property line.
- b.** A site plan indicating the proposed use of the site prior to initiation of the project shall be submitted for approval by the Director of Planning and Zoning.
- c.** There shall be no co-landfilling within a minimum of 200 feet of any surface water including springs, seeps, or intermittent streams. Greater distances may be required based on factors that include but are not limited to: steepness of slopes, moisture saturation of the soil and season of the year.
- d.** Access points and screening shall be provided at such locations and be of such types as may be required by the Director of Planning.
- e.** Co-landfilling rates, method of operation and maintenance shall be governed by regulations or recommendations of the State Department of Agriculture and/or the University of Maryland Department of Agronomy and shall be overseen by the University of Maryland Cooperative Extension Service for Cecil County.

**3.** Composting shall meet the following requirements.

- a.** No composting of material shall take place within 300 feet of a residence or within 100 feet of an adjoining property line.
- b.** No composting shall be permitted within a minimum of 200 feet of any surface water including springs, seeps, and based on factors that include but are not limited to: steepness of slopes, moisture saturation of the soil and season of the year.
- c.** A site plan indicating the proposed use of the site prior to initiation of the project shall be submitted for approval by the Director of Planning.

- d. Access points and screening shall be provided at such locations and be of such types as may be required by the Director of Planning.
  - e. Method of operation and maintenance shall be governed by regulations or recommendations of the State Department of Agriculture and/or the University of Maryland Department of Agronomy and shall be overseen by the University of Maryland Cooperative Extension Service for Cecil County.
4. Sludge Incineration shall meet the following requirements.
  - a. Incineration structure, and loading and processing areas and structures must be at least 300 feet from any residence and 100 feet from all property lines.
  - b. Access points and screening shall be provided at such locations and be of such types as may be required by the Director of Planning.
  - c. Operation, maintenance, and disposal of ash material shall be governed by regulations or recommendations of the State Department of Agriculture and/or the University of Maryland Department of Agronomy and shall be overseen by the University of Maryland Cooperative Extension Service for Cecil County.
5. Sludge application shall meet the following requirements.
  - a. No application shall be permitted within 300 feet of a residence or within 100 feet of an adjoining property line unless as may be permitted by the Board of Appeals where adjoining land is also used for agricultural purposes.
  - b. No application shall be permitted on slopes greater than 15 percent. However, stricter limitation may be imposed when so determined by the Board of Appeals.
  - c. No application shall be permitted within a minimum of 200 feet of any surface water including springs, seeps, and intermittent streams. Greater distances may be required based on factors that include but are not limited to: steepness of slopes, moisture saturation of the soil and season of the year.
  - d. A site plan indicating the proposed use of the site prior to initiation of the project shall be submitted for approval to the Director of Planning.
  - e. Access points and screening shall be provided at such locations and be of such types as may be required by the Director of Planning.
  - f. Application rates and methods of operation shall be governed by regulations or recommendations of the State Department of Agriculture and/or the University



of Maryland Department of Agronomy and shall be overseen by the University of Maryland Cooperative Extension Service for Cecil County.

- g.** In addition to the principles of decision governing Special Exception under Section 311, the Board of Appeals shall determine that:

    - (1)** The application rates on designated agricultural land shall be consistent with the long-term productivity of the soil for food chain crops and the application shall be performed in a manner consistent with good agricultural practices. Application rates for nonagricultural land shall be consistent with the site plan approved by the Director of Planning.
    - (2)** The Board of Appeals shall determine that application rates are consistent with good agricultural practices as determined by the University of Maryland Cooperative Extension Service, and that land application should be carried out using only those types of equipment which will result in a uniform application of the sludge. Any such equipment must have calibration capability.
    - (3)** The Board of Appeals shall be assured of the best method of application, either injected or incorporated into the root zone or soil profile.
    - (4)** Based upon information received with respect to all the above factors, the Board of Appeals may grant or deny the requested special exception or may, in the interests of the health, welfare and safety of the citizens of Cecil County increase, decrease or otherwise alter the requested special exception or grant it upon special conditions, or in other ways alter the distance and other requirements as set forth in this Ordinance.
- 6.** Any sludge handling shall meet the following requirements.
- a.** Any proposed use within this provision shall not take place within 300 feet of a residence or within 100 feet of an adjoining property line.
  - b.** Any proposed use within this provision shall not be located on slopes greater than 15 percent.
  - c.** No handling of sludge shall be permitted within a minimum of 200 feet of any surface water including springs, seeps, and intermittent streams. Greater distances may be required based on factors that include but are not limited to: steepness of slopes, moisture saturation of the soil and season of the year.

- d. A site plan indicating the proposed use of the site prior to initiation of the project shall be submitted for approval to the Director of Planning.
- e. Access points and screening shall be provided at such locations and be of such types as may be required by the Director of Planning.
- f. Methods of operation and maintenance of facilities shall be governed by regulations or recommendations of the State Department of Agriculture and/or the University of Maryland Department of Agronomy and shall be overseen by the University of Maryland Cooperative Extension Service for Cecil County.
- g. Synthetic liners shall be required for storage pits and such liners shall be approved by the Maryland Department of the Environment and the Environmental Protection Agency for the proper control of leachate.

#### **Section 156. Power Generating Facilities (12.16.000)**

Power generating facilities may be permitted as a Special Exception in the NAR and SAR zones provided that the power is generated solely from solar, wind or water power sources.

#### **Section 157. Public Golf Courses, privately owned Golf Courses, and public and privately owned golf courses approved as part of some residential development (5.03.000)**

Public golf courses, privately owned golf courses, and public or privately owned golf courses approved as part of some residential development shall be permitted in the NAR, SAR, RR, SR, TR, VR, DR, MH, RM, and OS zones provided:

1. Centerline of fairway shall be setback two hundred (200) feet from adjacent property and/or lot lines. The setback can be reduced if vegetative buffering is provided on the golf course property.
2. Tees shall have a setback of one hundred (100) feet from adjacent property and/or lot lines and greens shall have a setback of one hundred seventy five (175) feet from adjacent property and/or lot lines. The setbacks can be reduced if vegetative buffering is provided on the golf course property.
3. A landscape plan shall be required for a vegetative screen along the perimeter of the course. The vegetative screen may have vista breaks that do not compromise the safety of the adjoining lots. Existing vegetation can be used to satisfy this requirement.

(Revised 6/30/05)

4. Dwellings on lots approved as part of the development proposal shall be setback a minimum of fifty (50) feet from the nearest lot line adjacent to the fairways, tees and greens unless a vegetative screen is provided. If a vegetative screen is provided, the fifty (50) foot setback shall not be required. The front, rear or side setbacks shall be those as required by the zoning district.
5. Driving ranges shall be located three hundred (300) feet from any property line or right of way unless perpendicular to and hitting away from said lines.
6. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.
7. The provision of food, refreshment and entertainment shall be permitted in connection with said use. Such facilities shall be open to the general public unless it is commercially zoned.
8. Off street parking and loading areas shall be screened with a Bufferyard meeting the B standard of appendix B.
9. Clubhouse and accessory parking areas shall not have access directly from the interior streets of the subdivision to the extent possible.
10. Projects that have received final approval prior to the adoption of these regulations shall be exempt from these regulations.

### **Section 158. Agricultural Product Sales (1.01.110)**

Agricultural product sales shall be permitted in the NAR and SAR zones provided:

1. The outside storage of agricultural products offered for sale shall be screened from adjacent properties by a bufferyard meeting the “A” standard of appendix B.
2. Outside storage areas of agricultural products offered for sale shall be setback 50 feet from all property lines.
3. Signs, product displays, parked vehicles and other obstructions that would adversely affect visibility at intersections or to driveways shall be prohibited.
4. Lighting shall be low level and arranged so as not to reflect or cause glare into any residential use or zone.
5. Signage shall be erected in accordance with the NAR and SAR standards of Article XIII.
6. Floor area for the sales of agricultural products shall be limited to 3,000 square feet.
7. The owner of the agricultural product sales establishment shall reside on the property upon which the establishment is operated.

### **Section 159. Storage Trailer or Container (11.08.000)**

Storage trailers or containers shall be permitted in the in the NAR, SAR, RR, SR, DR, VR, TR, RM and MH zones provided the following conditions are met:

1. The storage trailer or container is placed on the property due to new construction, remodeling, or emergencies such as fire, flood or other natural disasters;
2. Storage trailers or containers shall be permitted for an initial one year period, renewable for additional six month periods provided the construction or remodeling is continuing or the natural disaster repairs are still occurring;
3. The Office of Planning and Zoning shall issue a certificate of zoning to an applicant prior to the placement of a storage trailer or container on their property;
4. Storage trailers or containers shall be in good repair and shall not be a hazard to the community;
5. The maximum number of storage trailers or containers on a property shall be the minimum necessary to accommodate the immediate need for temporary storage identified on the certificate of zoning;
6. Storage trailers or containers shall not be placed closer than ten (10) feet to a side or rear property line.

### **Section 160. Neighborhood Essential Services**

Neighborhood essential services shall be permitted in all zones provided:

1. All water and sanitary sewer pump stations, shared water systems, sewage treatment facilities and/or wastewater treatment plants shall be placed in a soundproof building that utilizes the latest odor control techniques and shall be screened by a vegetative buffer meeting the Bufferyard E 1.0 standard of Appendix B. The noise emitted from the structure shall not exceed 65 dBA during the day and 55 dBA at night at the nearest property line. The Bufferyard E 1.0 standard may be modified by the Office of Planning & Zoning to a 0.75 or 0.60 when it is demonstrated that the modification will not have an adverse effect on adjacent properties and that the modification will contribute to a better design. Water conveyance pipes and sewage collection pipes do not need to comply with this requirement;
2. All water and sanitary sewer pump stations, shared water systems, sewage treatment facilities and/or wastewater treatment plants established in existing communities shall be placed in a soundproof building and shall be screened by an evergreen vegetative buffer approved by the Office of Planning & Zoning. Water conveyance pipes and sewage collection pipes do not need to comply with this requirement;
3. The soundproof buildings will have an exterior façade that is harmonious and consistent with the character of the surrounding neighborhood. A lighting plan must be approved by the Office of Planning & Zoning. Exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect adjoining properties or shine into residential structures;
4. A landscape plan for the Bufferyard E or vegetative buffer, prepared by a Landscape Architect, shall be approved by the Office of Planning & Zoning. A landscape agreement must be executed for the Bufferyard E or vegetative buffer and be accompanied by a performance bond or other form of surety executed by the developer in the amount of 100% of the proposed plant materials, labor and maintenance costs. The minimum caliper of a canopy, understory or evergreen planting shall be 1". The amount of surety may be released in accordance with Article X, Section 188 of the Zoning Ordinance;
5. The developer shall notify all property owners within a 500' radius of the proposed location of the treatment plant and/or pumping station of the impending location of the facility and shall provide proof of said notification to the County.
6. These regulations shall only apply to any water treatment plant, wastewater treatment plant, or pump station constructed after the adoption of these regulations. Existing plants and pump stations will not be required to retrofit to meet these standards. Water treatment plants, wastewater treatment plants, or pump stations that are part of a project receiving final approval prior to the adoption of these regulations are exempt from these standards.

## **Section 161. Video Lottery Facility**

Video lottery facilities shall be permitted in the BG, BI, M1 and M2 provided:

1. The facility has access directly from a collector or arterial road and not a local road.

2. The use is located at least 200 feet from any residential zone and a bufferyard meeting the E 0.60 standard of Appendix B is provided between the facility and any residential zone. A fence at least 6' in height that occludes the view of the facility from residential properties is included with the berm.
3. Automobile parking spaces are located at least 200 feet from any adjacent residential zone.
4. Restaurants, hotels, entertainment venues and retail commercial may be established in connection with said use and must be included on a major site plan submitted.
5. All outdoor lighting shall be located, shielded, landscaped or otherwise buffered so that no direct light shall constitute a direct intrusion into a residential area.

**Section 162. Reserved**

**Section 163. Reserved**

**Section 164. Reserved**

**ARTICLE VI.        SCHEDULE OF ZONE REGULATIONS**

## SCHEDULE OF ZONE REGULATIONS

DISTRICTS	AREAS NOT SERVED BY COMMUNITY FACILITIES					AREAS SERVED BY COMMUNITY FACILITIES					Maximum Height	Minimum Road Frontage
	Minimum Area & Dimension		Minimum Yard Requirements [1]			Minimum Area & Dimension		Minimum Yard Requirements [1]				
	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]	Feet	Feet
NAR												
single-family residential low-density	20,000	80	40	10	40	12,000	65	30	10	30	35	100/25 [6]
SAR												
single-family residential low-density	20,000	80	40	10	40	12,000	65	30	10	30	35	100/25 [6]
RR												
single-family residential low-density	20,000	80	40	10	40	12,000	65	30	10	30	35	100/25 [6]
SR												
Detached, Single Family	20,000	80	30	10	40	12,000	65	30	10	40	35	100/25 [6]
Semi-Detached [3]	na	na	na	na	na	6,500 [4]	65	30	15	40	35	100/25 [6]
Duplex [3]	na	na	na	na	na	13,000 [5]	80	30	15	40	35	100/50 [6]
Townhouse [3]	na	na	na	na	na	1,800	18	20	15 [8]	40	35	na
Apartments [3]						Refer to Article XII						
DR												
Detached, Single Family	20,000	80	30	10	40	6,500	65	30	10	40	35	100/25 [6]
Semi-Detached [7]	na	na	na	na	na	6,500 [4]	65	30	15	40	35	100/25 [6]
Duplex [7]	na	na	na	na	na	13,000 [5]	80	30	15	40	35	100/50 [6]



## SCHEDULE OF ZONE REGULATIONS

DISTRICTS	AREAS NOT SERVED BY COMMUNITY FACILITIES					AREAS SERVED BY COMMUNITY FACILITIES					Maximum Height	Minimum Road Frontage
	Minimum Area & Dimension		Minimum Yard Requirements [1]			Minimum Area & Dimension		Minimum Yard Requirements [1]				
	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]		
DR (continued) Townhouse [3]	na	na	na	na	na	1,800	18	20	15 [8]	40	35	na
Apartments [3]						Refer to Article XII						
TR												
Detached, Single Family	20,000	80	40	20	40	6,500	65	30	10	30	35	100/25 [6]
Semi-Detached [3] [9]	na	na	na	na	na	6,500 [4]	65	30	15	40	35	100/25 [6]
Duplex [3] [9]	na	na	na	na	na	13,000 [5]	80	30	15	40	35	100/50 [6]
Townhouse [3] [9]	na	na	na	na	na	1,800	18	20	15 [8]	40	35	na
Apartments [3] [9]						Refer to Article XII						
VR												
Detached, Single Family	20,000	80	30	10	40	6,000	55	15	7	40	35	100/25 [6]
Semi-Detached	na	na	na	na	na	6,000	55	15	7	40	35	100/25 [6]
Duplex	na	na	na	na	na	10,000	55	15	7	40	35	100/25 [6]
RM												
Detached, Single Family	20,000	80	30	10	40	6,500	65	30	10	40	35	100/25 [6]
Semi-Detached	na	na	na	na	na	6,500 [4]	65	30	15	40	35	100/25 [6]
Duplex	na	na	na	na	na	13,000 [5]	80	30	15	40	35	100/50 [6]
Townhouse	na	na	na	na	na	1,800	18	20	15 [8]	40	35	18
Apartments						Refer to Section 29						

## SCHEDULE OF ZONE REGULATIONS

DISTRICTS	AREAS NOT SERVED BY COMMUNITY FACILITIES					AREAS SERVED BY COMMUNITY FACILITIES					Maximum Height	Minimum Road Frontage
	Minimum Area & Dimension		Minimum Yard Requirements [1]			Minimum Area & Dimension		Minimum Yard Requirements [1]				
	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]		
MH												
Detached, Single Family	20,000	80	30	10	40	6,500	65	30	10	40	35	100/25 [6]
Mobile Home Subdivision	20,000	80	30	10	40	6,500	65	30	10	40	35	100/25 [6]
BL												
Commercial/Business	15,000	65	25	20 [10]	60 [11]	15,000	65	25	20 [10]	60 [11]	35	50
Residential	20,000	80	30	10	60	6,500	65	30	10	40	35	100/25 [6]
BG												
Commercial/Business	20,000	65	50	20 [10]	60 [11]	As required	65	50	20 [10]	60 [11]	55	50
Residential	20,000	80	30	10	60	6,500	65	30	10	40	35	100/25 [6]
BI												
Commercial/Business	As required	65	75/30 [12]	50 [10]	60 [11]	As required	65	75/30 [12]	50 [10]	60 [11]	65	50
Residential	20,000	80	30	10	60	6,500	65	30	10	40	35	100/25 [6]
MB												
Business	20,000	65	110 [13]	20 [10]	60 [11]	As required	65	110 [13]	20 [10]	60 [11]	35	50
Residential	20,000	80	110 [13]	10	60	6,500	65	110 [13]	10	40	35	100/25 [6]
M1												
Industrial	As required	As required	75/30 [12]	50 [10]	60 [11]	As required	As required	75/30 [12]	50 [10]	60 [11]	75	50

## SCHEDULE OF ZONE REGULATIONS

DISTRICTS	AREAS NOT SERVED BY COMMUNITY FACILITIES					AREAS SERVED BY COMMUNITY FACILITIES					Maximum Height	Minimum Road Frontage
	Minimum Area & Dimension		Minimum Yard Requirements [1]			Minimum Area & Dimension		Minimum Yard Requirements [1]				
	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]	Feet	Feet
M2												
Industrial	As required	As required	75/30 [12]	50 [10]	60 [11]	As required	As required	75/30 [12]	50 [10]	60 [11]	75	50
MEA												
Industrial	See Section 67 and 68 for setback and other requirements					See Section 67 and 68 for setback and other requirements						
Residential	20,000	80	40	10	40	12,000	65	30	10	30	35	100/25 [6]

**See Notes on following page.**

## SCHEDULE OF ZONE REGULATIONS

### Notes:

- [1] Principal structures on lots created after the adoption of this Ordinance shall be setback from any right-of-way or road widening easement of collector or arterial roadways as defined on the Official Cecil County Roadway Classification Map as follows:

#### ZONING DISTRICT MINIMUM SETBACK

NAR, SAR, RR	100 Feet
SR, DR, RM	50 Feet

- [2] When required, side and rear yards are each increased by at least one foot for each additional foot of building above 35 feet.
- [3] Permitted in PUDs only
- [4] Per unit
- [5] Per building
- [6] Road frontage requirements may be reduced to the lower figure for lots on a local roadway as defined on the Official Cecil County Roadway Classification Map.
- [7] Permitted only when served by public sewer or when within a PUD.
- [8] A 15 foot side yard is required for end units.
- [9] As established in the Sketch Plat reviewed by Town officials or the standards for the DR zone, whichever is less.
- [10] Where the proposed use abuts land zoned "business" or "industrial" the minimum side yard shall be 10 feet.
- [11] Where the proposed use abuts land zoned "business" or "industrial" the minimum rear yard shall be 30 feet.
- [12] Setback may be reduced to lower figure when access is from an internal street serving an industrial or business park.
- [13] Measured from mean high tide or the landward extent of tidal wetlands whichever is greater. For Buffer Exemption Areas see Section 195.

## **ARTICLE VII        DENSITY AND DIMENSIONAL REGULATIONS**

### **Section 165.   Minimum Lot Size, Density and Yard Requirements**

After the effective date of this Ordinance, any lot created shall meet the lot size, density and other minimum requirements as specified in the Articles VI and VIII in the regulations for each zone, except as may be provided in Article XI, Part I, Section 193 through 197.

### **Section 166.   Maintenance of Required Minimum Yards, Open Space and Lot Area**

The maintenance of minimum yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of the property on which it is located. Furthermore, no legally required yards, other open space, or minimum lot area allocated to a building shall by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

### **Section 167.   Building Yard/Area Requirements**

- 1.**     Yard requirements are set forth for each zone in Article VI. In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of equal depth shall be provided on the other frontage. In the case of corner lots with more than two frontages, the Zoning Administrator shall determine the requirements for each.
- 2.**     Where an official boundary line has been established by deed description or easement for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line.
- 3.**     For the purpose of the side yard regulation, a group of business or industrial buildings separated by common or party walls shall be considered as one (1) building occupying one (1) lot.
- 4.**     Where a lot is to be occupied for a permitted use without buildings, the yards required for such lot shall be provided unless otherwise stipulated in the Ordinance, except that yards shall not be required on lots used for garden purposes nor on lots used for public recreation areas. The use of vacant land for a permitted use, other than agriculture, shall require a Zoning Certificate.
- 5.**     Condominiums shall meet the required setbacks for the zoning district in which they are located.

## **Section 168. Building Height Limitations**

1. Except as hereinafter provided, no building or structure, or part thereof, shall hereafter be erected or altered to a height greater than the maximum specified for the respective zone.
2. Subject to the remaining provisions of this section, building height limitations in the various zoning districts shall be as indicated in Article VI, Schedule of Zone Regulations.
3. Except in the Critical Area District or within an area defined as Airport Approach Zone by the Federal Aviation Administration or other government agency, the height limitations specified in Article VI shall not apply to:

Belfries	Public Monuments
Chimney	Ornamental Towers and Spires
Church Spires	Communication Towers
Conveyors	Agricultural or Agribusiness
Cooling Towers	Structures
Elevator Bulkheads	Smoke Stacks or Scrubbing
Fire Towers	Towers
Water Towers and	Stage Towers
Standpipes	Storage Tanks
Flag Poles	

4. Except for water towers and standpipes, the height of any structure listed in 3 above which is constructed after the date of adoption of this Ordinance shall not exceed the distance between such structure and any lot line.
5. When permitted in a zone, public or semi-public service buildings, hospitals, institutions, schools may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the zone for which the building is located.

## **Section 169. Structure Limits Over Water**

No structure connected to the shoreline, such as a dock, pier, boathouse, etc., shall extend outward from the Mean High Water Line from where the structure is connected to the shoreline, more than twenty-five (25) percent of the distance to the upland on the opposite shore, or more than three hundred (300) feet, whichever is the lesser distance. Notwithstanding this provision, no dock or pier shall extend to within the boundaries of any defined navigation channel established by a state or federal agency.

### **Section 170. Setback Modification**

The front, rear and side setbacks, and lot width requirements may be modified by the Cecil County Planning Commission in the case of major subdivisions and by the Office of Planning and Zoning in the case of minor subdivisions or site plans where it is determined that such modifications will contribute to better subdivision or site plan design and will not have an adverse effect on adjacent properties.

### **Section 171. Road Frontage Waivers**

The minimum road frontage requirements as stated Article VI - Schedule of Zone Regulations shall not be required:

1. For lots created under the intra-family transfer provisions of the Cecil County Road Code.
2. For subdivisions proposed under a previously approved Road Code Waiver.
3. In business or industrial parks where the roads are built to County Road Code standards but which are privately maintained. Road Code Waiver required.
4. For newly created business or industrial lots where said lots share ingress and egress with other business or industrial uses at approved access points onto County and State maintained roads. Said access points shall serve a maximum of three (3) lots. Appropriate legal instruments shall be recorded that provide for the shared ingress and egress. Road Code Waiver required.
5. For lots being created around legally existing dwellings provided that legal instruments are recorded providing perpetual access onto a County or State maintained road to the newly created lot. Road Code Waiver required.

### **Section 172. Reserved**

### **Section 173. Reserved**

## **ARTICLE VIII. SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS**



## SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS

	Minor Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision
	Maximum Dwelling Units Per Acre (DU's per Acre)	Maximum Dwelling Units Per Acre A	Maximum Dwelling Units Per Acre B	Maximum Dwelling Units Per Acre B (PUD)	Maximum Dwelling Units Per Acre Bonus Density	Minimum Open Space Requirement Bonus Density	Minimum Open Space Requirement [1]	Minimum Open Space Requirement PUDs
<b>DISTRICT</b>								
<b>NAR</b>	1	0.10	0.10	na	na	na	15%	na
<b>SAR</b>	1	0.05	0.05	na	na	na	15%	na
<b>RR</b>	1	0.20	0.20	na	0.33	60% [2]	15%	na
<b>SR</b>								
- Detached	na [5]	1	2	4	na	na	15%	30%
- Semi Detached	na	na	na	4	na	na	na	30%
- Duplexes	na	na	na	4	na	na	na	30%
- Townhouse	na	na	na	4	na	na	na	30%
<b>DR</b>								
- Detached	na [5]	1	4	6	na	na	15%	25%
- Semi Detached	na	na	4	6	na	na	20%	25%
- Duplexes	na	na	4	6	na	na	20%	25%
- Townhouse	na	na	na	6	na	na	20%	25%
<b>TR [3]</b>								
- Detached	na [5]	1	4	6	na	na	15%	25%
- Semi Detached	na	na	na	6	na	na	20%	25%
- Duplexes	na	na	na	6	na	na	20%	25%
- Townhouse	na	na	na	6	na	na	20%	25%

(Amended on 8/14/06, Effective 1/1/07)

## SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS

	Major Subdivision	Major Subdivision						
	Maximum Dwelling Units Per Acre B (with TDRs) [6]	Minimum Open Space Requirement (with TDRs) [6]						
<b>DISTRICT</b>								
<b>SR</b>								
- Detached	4	30%						
- Semi Detached	4	30%						
- Duplexes	4	30%						
- Townhouse	4	30%						
- Apartments	4	30%						
<b>DR</b>								
- Detached	12	30%						
- Semi Detached	12	30%						
- Duplexes	12	30%						
- Townhouse	12	30%						
- Apartments	12	30%						
<b>TR [3]</b>								
- Detached	6	30%						
- Semi Detached	6	30%						
- Duplexes	6	30%						
- Townhouse	6	30%						
- Apartments	6	30%						

(Amended on 8/14/06, Effective 1/1/07)

## SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS

	Minor Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision
DISTRICT	Maximum Dwelling Units Per Acre (DU's per Acre)	Maximum Dwelling Units Per Acre A	Maximum Dwelling Units Per Acre B	Maximum Dwelling Units Per Acre B (PUD)	Maximum Dwelling Units Per Acre Bonus Density	Minimum Open Space Requirement Bonus Density	Minimum Open Space Requirement [1]	Minimum Open Space Requirement PUDs
<b>VR [4]</b>								
- Detached	na [5]	1	4	na	na	na	15%	na
- Semi Detached	na [5]	na	4	na	na	na	20%	na
- Duplexes	na [5]	na	4	na	na	na	20%	na
<b>RM</b>								
- Detached	na [5]	2	6	na	na	na	15%	na
- Semi Detached	na [5]	2	6	na	na	na	20%	na
- Duplexes	na [5]	2	6	na	na	na	20%	na
- Townhouse	na	2	12	na	na	na	20%	Na
- Apartment	na	2	16	na	na	na	20%	Na
<b>MH</b>								
- Detached	na [5]	2	4	na	na	na	15%	Na
- Mobile Homes	na [5]	2	4	na	na	na	15%	na
- Mobile Home Park	na	na	6	na	na	na	15%	na
<b>MEA</b>								
- Detached	0.02	0.02	0.02	0.02	na	na	20%	na

**See Notes on following page**

## **SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS**

### **Notes:**

- A Includes areas not served by community facilities (see Article II for definitions).
- B Includes areas served by community facilities (see Article II for definitions).
- [1] This open space requirement applies to all major development involving ten (10) units/lots or more.
- [2] See Sections 22, 23 or 24 for detailed requirements.
- [3] Density, unit type, open space and other performance provisions in developments of greater than 10 lots or units or development with a density greater than one unit per acre may be set by agreement with and upon review by the appropriate Town officials (See Section 27).
- [4] See Section 28.
- [5] For purposes of Article VIII, minor subdivision density shall be the same as major subdivision, with or without community facilities.
- [6] See Section 246 for detailed requirements

(Amended on 8/14/06, Effective 1/1/07)

## **ARTICLE IX ENVIRONMENTAL STANDARDS AND OPEN SPACE**

### **Section 174. Environmental Standards for all Subdivisions and Development Requiring Site Plan Approval**

- 1. Perennial Stream no-disturbance buffer**
  - a.** A one-hundred ten (110) foot natural buffer from all perennial streams, as described on the U.S.G.S. 7.5 Minute Quadrangle maps shall be required for all development. Permanent or temporary stormwater and/or sediment control devices shall not be permitted in this buffer.
  - b.** If the property is located outside of the Cecil County Critical Area District this buffer requirement may be waived by the Cecil County Planning Commission and/or the Office of Planning and Zoning for the following:
    - (1)** If the development occurs within the "Development District" described within the Comprehensive Plan provided:
      - (a)** If evidence is provided that the design, construction and use of the site will provide the same or better protection of water quality as the 110' buffer, and;
      - (b)** If evidence is provided that said development will meet all other applicable requirements, as required.
    - (2)** Road crossings, if disturbance is minimized.
    - (3)** Other public or community facilities provided disturbance is minimized in so far as possible.
  - c.** This buffer shall be transferred to the Cecil County Commissioners if designated on the Cecil County Greenways Plan.
- 2. Intermittent Stream no-disturbance buffer**
  - a.** A twenty-five (25) foot buffer from all intermittent streams as described on the U.S.G.S. 7.5 minute quadrangle maps shall be required for all development. Permanent or temporary stormwater management and sediment control devices shall not be permitted in this buffer.

- b. If the property is located outside of the Cecil County Critical Area District this buffer requirement may be waived by the Cecil County Planning Commission and/or the Office of Planning and Zoning for the following:
    - (1) Road crossings, if disturbance is minimized.
    - (2) Other public or community facilities provided disturbance is minimized in so far as possible.
- 3. Sensitive Soil no-disturbance buffer. The one-hundred ten (110) foot perennial stream buffer shall be expanded to include contiguous hydric soils, highly erodible soils and soils on slopes greater than fifteen percent (15%) to a maximum distance of one-hundred sixty (160) feet.
- 4. Non-tidal Wetland buffer. A twenty-five (25) foot setback from all non-tidal wetlands shall be required for all development around the extent of the delineated nontidal wetland except as permitted by the U.S. Army Corp of Engineers and the State of Maryland, Department of Natural Resources, Non-tidal Wetland Division.
- 5. Steep Slopes.
  - a. No structure or impervious surface shall occur on any slope with a grade of twenty-five (25) percent or more covering a contiguous area of 10,000 square feet or more.
  - b. On slopes between fifteen (15) and twenty-five (25) percent, good engineering practices shall be used to insure sediment and erosion control and slope stabilization before, during and after disturbance activities and to minimize cut and fill.
- 6. Habitats of Rare, Threatened and Endangered Species. Development shall avoid these areas as described by the Maryland DNR, Natural Heritage Program.
- 7. Forest Conservation. All regulated activities defined by the Cecil County Forest Conservation Regulations shall meet all requirements as prescribed herein.

## **Section 175. Community Sewerage System**

- 1. Definitions
  - a. The following terms have the meanings indicated.
  - b. Terms Defined
    - (1) Approving Authority – the local health department.

- (2) Controlling Authority – a governmental body or private utility empowered by the County for management, operation, and continuous preventative and corrective maintenance of a shared facility.
- (3) Shared Facility – a water or sewerage system which serves a minimum of fifteen (15) lots with water or sewer systems located on parcels owned in common by the users or the controlling authority.
- (4) Users – a single family residence, multi-unit, commercial unit, or equivalent of them, which is served by the shared facility.
- (5) Lot – a parcel of land recorded in the office of the Clerk of the Court, or a parcel described by metes and bounds, the description of which has been so recorded.

## 2. Applicability

- a. A controlling authority shall conform to all State & County laws, ordinances, and regulations.
- b. A controlling authority may purchase, hold, lease, build, construct, own, operate, repair, maintain, and improve a shared facility in the County and enter into contractual agreements with the federal government, the State, or with a municipality, person or individual providing services for a shared facility.
- c. The controlling authority cannot be the approving authority.
- d. The controlling authority may establish, operate, or manage a shared facility if this action does not violate any federal, State, or local law or regulations, and is in compliance with the County water and sewer plan, and would be in the interest of the public health, safety and comfort.
- e. In all cases, the controlling authority and its designee shall be approved by the approving authority, the Maryland Department of the Environment and be designated by the Cecil County Commissioners. This approval shall be conditional upon the financial and ownership requirements as are found necessary to insure continued efficiency and effective operation of the system.
- f. The controlling authority shall make such provisions as are necessary to insure that all sanitary facilities under its control cannot be dissolved or otherwise made legally or functionally inoperative unless the sanitary facilities are replaced by facilities which provide equal or better protection to the public health and that of the users, except when the users no longer require sanitary facilities.

(Amended 8/16/05)

- g.** Any person may apply in writing to a controlling authority requesting the controlling authority to establish and operate a shared facility. It is the intent of this section that all shared facilities approved, established, and constructed hereunder, shall remain in private ownership of the development being serviced by the shared facility unless it is owned and operated by the County.
- h.** The approving authority or the Board of County Commissioners may order the controlling authority to perform repairs or corrections in order to insure proper operation of the shared facility.
- i.** The controlling authority and/or its designee is approved by the approving authority and the Maryland Department of the Environment and shall be appointed by the Cecil County Commissioners to operate the shared facility.
- j.** Developments using shared facilities in the NAR zone shall not exceed a density of 1 unit per 3 acres. Developments using shared facilities in the SAR zone shall not exceed a density of 1 unit per 5 acres. Developments using shared facilities in the SR zone shall not exceed a density of 2 units per acre. Developments using shared facilities in the DR zone shall not exceed a density of 4 units per acre.
- k.** Developments using shared facilities in the NAR and SAR zone shall not encumber more than 30 percent of the gross acreage of the parcel with lots, except for one large lot and any available minor subdivision lots.
- l.** If the controlling authority is not the water and wastewater division of the Department of Public Works, a public works agreement shall be executed prior to recordation for potential upgrades and maintenance to the shared facility. The controlling authority shall maintain and provide to the County upon request detailed inspection logs and maintenance logs.

### 3. Design

- a.** All shared facilities shall be constructed and operated in accordance with applicable State and local laws and regulations.
- b.** The design of all sewerage treatment and disposal systems operated as a shared facility shall be reviewed and approved by the Maryland Department of the Environment, the approving authority, and the Cecil County Department of Public Works.
- c. Subsurface Disposal**
  - 1.** There shall be an area or areas of land suitable for the subsurface disposal set aside for each dwelling unit or equivalent which is equal to 10,000 square feet for sewage purposed.



2. The land set aside may not have any structures erected upon it.
  3. The land must not be disturbed by earth moving or grading after its approval for use by the approving authority without prior authorization by the approving authority.
  4. A covering or topping such as gravel, asphalt, or concrete, which impedes the growth of vegetation, may not be placed on the land set aside for subsurface disposal.
  5. The suitability of land for wastewater disposal shall be determined in accordance with COMAR 26.04.02 and 26.04.03.
  6. The wastewater flow, by which the sizing of the disposal fields is determined, shall be calculated by adding the flows per individual unit as determined in COMAR 26.04.02.
  7. The land set aside for sewage disposal shall have enough area for the initial disposal field and two replacement fields.
- d. Collection Lines. The collection liens of any shared facility shall be guided by the design guidelines for sewerage facilities which are contained in “design Guidelines for Sewerage Facilities” 1978 Edition (Technical Bulletin M-DHMH-EHA-S001) which is incorporated by reference and be constructed to meet the requirements of the Cecil County Standard Specifications and Details for Water Mains and Sewer Mains. The following shall also apply:
1. All piping, pumps, septic tanks (made of Type II cement) and control equipment shall be capable of withstanding the corrosive effects of anaerobic sewage.
  2. Duplex pumping facilities may not be required for individual home pumping units.
  3. Sewer lines collecting from the entire development should be conventional gravity lines to the extent possible.
  4. The controlling authority’s maintenance responsibility shall end at the sanitary cleanout approximately at the right of way/property line. Homeowners shall be solely responsible for all maintenance of the sanitary house connection, including internal piping or pumping equipment.
- e. Septic Tanks
1. A minimum of two (2) baffled septic tanks shall be provided in the common treatment area, each sized in accordance with COMAR 26.04.02 or 1,250 gallons (effective volume) per equivalent living unit, whichever is greater.

2. Septic tanks shall have two (2) access ports at ground level per tank, which are at least twenty-four (24) inches in minimum dimension, to enable the tank to be inspected and cleaned.
  3. All tanks shall be located so as to be inspected and cleaned.
  4. Septic tanks shall gravity drain, one into the other, and then into the disposal laterals.
- f. The approving authority, with the concurrence of the Maryland Department of the Environment, may grant exceptions to Subsections d and e of the section when, in the opinion of the approving authority, the exceptions will result in improved or equivalent operation, maintenance, or benefits to the public health, and when improved technology determined by the approving authority to be equivalent or an improvement to that specified in Subsections d and e is to be employed.
- g. Water Standards
1. The design of the water treatment and distribution system shall be reviewed by the Maryland Department of the Environment and the approving authority. The design shall meet the requirements of COMAR 26.03.02.03.
  2. To the extent practicable, location of a part or all or all of the new facility shall be avoided at a site which is subject to earthquakes, floods, fires, or manmade disasters which could cause a breakdown of the public water system or a part of it or if it is within the 100 year floodplain.
  3. A supplier of water using any device employed in the treatment of drinking water shall have the approval of the approving authority before installation of the treatment device.
  4. All shared water systems shall be designed and constructed in accordance with the Department of Public Works' Water and Sewer Standards, including but not limited to curb stops and water meters at the property line.
  5. Design of the shared facility must bear the signature and seal of a professional engineering licensed in the State of Maryland.

## **Section 176. Provision of Common Open Space**

- 1.** Common open space shall be an integral part of all major subdivisions of ten (10) units or more and all Planned Unit Developments. It may be used to:
  - a.** Unify the entire project.
  - b.** Reduce conflicts between incompatible activities and uses.
  - c.** Provide active recreation areas.
  - d.** Provide passive recreation opportunities.
  - e.** Provide for the protection of sensitive natural and/or cultural resources.
  - f.** Provide for the protection of historically significant resources.
- 2.** Common open space (spaces designed and intended for the use and enjoyment of all residents of the development) may contain such complimentary structures, improvements as are necessary and appropriate for the use, benefit and enjoyment of residents of the development. Common open space areas shall meet the following requirements:
  - a.** Be exclusive of road rights-of-way and parking areas.
  - b.** Equal or exceed the percentages of the gross site area required in Article VIII Schedule of Density and Open Space Requirements.

- c. No more than forty (40) percent of the common open space required shall consist of those areas designated as nontidal or tidal wetlands except in the NAR and SAR zones.
  - d. Except in the NAR and SAR zones, at a minimum, fifteen (15) percent of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species.
- 3. Common open space design shall consider all existing natural and culturally/historically significant man-made features and plan for their protection and enhancement. These include, but are not limited to:
  - a. Water courses or bodies and associated floodplain or floodway.
  - b. Rare, threatened or endangered species and associated habitat protection areas needed to ensure species survival.
  - c. Culturally and historically significant sites and/or structures as determined by guidelines established by the Cecil County Planning Commission, Office of Planning and Zoning, and the Maryland Historical Trust.
  - d. Applicants for any new development shall make every possible attempt to locate required open space next to any significant and permanent open space areas on-site or on adjacent or abutting sites.
- 4. Common open space may serve recreational purposes, preserve significant site features, and preserve open space. The uses authorized shall be appropriate to the purposes intended to be served. Open space designed to serve recreational purposes shall be appropriate to the scale and character of the development, considering its size, density, expected population, and the number and type of dwelling units proposed.
- 5. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of protection may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space must be appropriate to the uses which are authorized for the common space.

**Section 177. Common Open Space Requirement**

Common open space shall be provided in accordance with Article III and Article VIII.

**Section 178. Common Open Space - Ownership**

- 1. Private Ownership. If open space areas or facilities are not dedicated to public use,

they shall be protected by legal arrangements, satisfactory to the Planning Commission, sufficient to assure their maintenance and preservation for whatever purpose they are intended. Covenants or other legal arrangements shall specify ownership of the open space, method of maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions and guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Planning Commission. Nothing in this Ordinance shall be construed so as to prohibit a homeowner's association from leasing common open space for agricultural purposes and restricting access to common open space to promote agricultural operation.

2. **Public Ownership of Open Space Dedication.** Unless the Planning Commission finds that the size, location, type of development, or cost of development or maintenance of such open space or the availability of public open space would make public use desirable and necessary, open space shall not be made available for the use of all residents of the County. The developer shall dedicate all areas indicated for acquisition in the adopted County Greenways and Open Space and Recreation Plans to the Cecil County Commissioners.

#### **Section 179. Management of Common Open Space Property**

1. The developer shall insure that the common open space and improvements not dedicated and accepted for public ownership are maintained and cared for, and the developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
  - a. The organization shall be established by the developer before sale or rental of lots or dwelling units in the development.
  - b. The financial and organizational structures, rules of membership, and methods of cost assessment of the organization shall be devised to insure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.
  - c. All property owners within the development shall be required to participate in such organization and shall be responsible for maintenance, preservation, and improvement of common open space lands.
  - d. Areas set aside to meet the open space requirements hereof shall be adequately described. Instruments in the form of deed restrictions and/or covenant shall be provided to insure the purpose for which the open space is provided will be achieved. Said instruments shall be approved by the Planning Commission counsel prior to recordation among the Land Records of Cecil County.

### **Section 180. Bond for Open Space Improvements**

Prior to the recordation of a final plat, there shall be delivered by the owner or developer some form of surety acceptable to the County in an amount as specified by the County, or the execution and recordation of a subdivision agreement, which shall be submitted with the final subdivision plat, as described in the Cecil County Subdivision Regulations, which subdivision agreement or surety shall secure an agreement to construct such required physical improvements as identified in any proposed plan of development.

### **Section 181. Flexibility in Administration Authorized**

1. The requirements set forth in this article concerning the amount, size, location, and nature of recreational facilities in connection with residential developments are established by the County as standards that presumptively will result in the provision of that amount of recreational facilities that is consistent with officially adopted County plans. The County recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit-issuing body is authorized to permit minor deviations from these standards. Nothing in this section shall be construed so as to allow a lesser open space percentage than that required in Article III.
2. Whenever the permit-issuing board authorizes some deviation from the standards set forth in this article pursuant to Subsection 1, the official record of action taken on the development shall contain a statement of reasons for allowing the deviation.

### **Section 182. Greenways**

Any minor subdivision, major subdivision, or site plan proposing development on parcels subject to the Greenways shown on the Greenways and Unofficial Bikeways Map in the Comprehensive Plan, shall dedicate in fee-simple to the Board of County Commissioners the minimum land necessary to accommodate the proposed Greenway. If fee-simple dedication is determined to not be in the best interest of the County, a public access easement in alignment with the proposed Greenway shall be reserved.

### **Section 183. Reserved**

(Amended 9/5/2000 and 3/16/2010)

## **ARTICLE X           LANDSCAPE REQUIREMENTS**

### **Section 184.   Landscape Standards**

For all Major Subdivisions, Planned Unit Developments (PUD), and commercial and industrial development required to file a "Major Site Plan" as prescribed by this Ordinance, the following shall apply:

1.     Landscaping shall be provided as required in Article III.
2.     Any landscaped area protected for use in the afforestation or reforestation requirements of the Cecil County Forest Conservation Regulations shall meet the standards outlined in the Cecil County Forest Conservation Regulations for area, size, density and materials.

### **Section 185.   Landscape Plan Required**

1.     Landscape design and landscape planning shall be guided by an overall landscape plan, which may be approved in sections by the Office of Planning and Zoning, but must follow an overall harmonious theme designed to provide an aesthetically pleasing result.
2.     The planting plan must be prepared in coordination with the approved site plan or preliminary and final subdivision plat and shall show the information required for a planting plan found in the Cecil County Forest Conservation Regulations Technical Manual.

### **Section 186.   Street Trees Requirements**

1.     Along both sides of all newly created streets that are constructed in accordance with the Cecil County street standards, there shall be, parallel to the front property line, a ten foot wide planting easement established on each new lot created for the purpose of permitting the developer, at a minimum, to plant or retain sufficient trees so that, there is for every fifty (50) feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least 12 inches in diameter.
2.     Street trees shall be included in a Landscape Plan and guaranteed by bond or other means acceptable to the Office of Planning and Zoning and/or the Cecil County Planning Commission.
3.     Street trees and planted buffers may count towards the required landscaping percentage as determined by the Planning Commission and/or the Office of Planning and Zoning.

(Amended 3/16/04)

4. Measurement of typical mature crowns of the species utilized shall be used to calculate area required for landscape percentages.

#### **Section 187. Bufferyards**

1. Standards for Bufferyard design, where required, are contained in Appendix B.
2. The Office of Planning and Zoning or Planning Commission may require bufferyards to separate different zoning districts from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.
3. As part of the overall site landscaping plan, bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way. Bufferyards shall not be located within a yard required in a townhouse development or planned unit development. No parking shall be permitted within any required bufferyard.
4. A bufferyard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that:
  - a. The required planting units of the appropriate bufferyard in Appendix B are provided.
  - b. The total width of the bufferyard is maintained.
  - c. All other regulations of the Ordinance are met.
5. Where existing vegetation is to be used to meet the requirements contained herein, the surety requirement may be modified appropriately. However, to the extent that existing vegetation is or will be inadequate to meet the standards set herein, a planting plan meeting all of the requirements herein must be submitted.
6. All plantings shall be inspected by the County upon notification by the developer or owner, and shall be approved according to the following standards:
  - a. The planting shall adhere to the approved plan. Substitutions or revisions may be made with the approval of the Office of Planning and Zoning.
  - b. All plants shall be protected from vehicular encroachment by wheelstops, curbs or other barriers unless distance provides adequate protection.



- c. No planting shall result in vegetative growth exceeding thirty-six (36) inches in height, within thirty (30) feet of any street intersection or otherwise obstruct sightlines.
- 7. All service structures in attached housing projects shall be fully screened, and all service structures in business or industrial zones shall be fully screened when located within one hundred (100) feet of a public right-of-way or residential zone.
- 8. For the purposes of this Article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

#### **Section 188. Bonding and Financial Security of Plantings**

- 1. The planting plan shall be accompanied by an estimate of the installation cost for all landscape material.
- 2. Upon approval of the plan and cost estimate, the developer or owner shall enter into an agreement with the County to provide plantings as required. The agreement shall be in form and substance as approved by the Office of Planning and Zoning and shall be accompanied by a performance bond or other approved surety executed by the owner or developer in the amount of one hundred (100) percent of proposed plant materials, labor and maintenance costs.

The surety shall:

- a. Assure that the bufferyard planting and maintenance is in accordance with the approved planting plan;
- b. Be payable to the Board of County Commissioners for Cecil County;
- c. Be issued by a financial institution authorized to do business in Maryland; and
- d. May not be canceled by the surety, bank, or other issuing entity unless both of the following conditions are satisfied:
  - (1) The Office of Planning and Zoning and the obligee are notified in writing by registered mail of the intent to cancel not less than ninety (90) days prior to the cancellation; and
  - (2) At least forty-five (45) days prior to the cancellation date indicated in the notice, the obligee files a commitment for a surety, bank, or other issuing entity to provide a substitute security which will be effective on the cancellation date indicated in the notice.

3. The person required to provide financial security under this Section may request reduction of the amount of the financial security by submitting a written request to the Office of Planning and Zoning with a justification for reducing the financial security amount, including estimated or actual costs to ensure requirements are met. The amount may be reduced by no more than eighty (80) percent of the initial financial security amount. At the time of the reduction request the person may also change the type of guarantee with the approval of the Office of Planning and Zoning. The request for release of a bond shall follow the schedule outlined below. The release dates given are the earliest dates from which any release may be granted. Releases are not guaranteed and shall reflect the success rate of the planting Plan being inspected.

<u>Plant Date</u>	<u>Partial Release</u>	<u>Full Release</u>
before 5/15	9/15 same year	9/15 following year
5/15 - 6/30	6/1 following year	9/15 following year
after 6/30	9/15 following year	9/15 second year

4. The Office of Planning and Zoning will determine if a lesser amount of financial security is sufficient to cover the costs associated with the planting plan, taking into account:
- (a) number of acres;
  - (b) the proposed methods of planting and maintenance;
  - (c) the cost of planting materials, labor and maintenance replacement;
  - (d) the types of material used; and
  - (e) other relevant factors.
5. If, after the dates for full release given in subsection 3 above, the plantings associated with the planting plan meet or exceed the standards contained in the approved landscape plan, the amount of the cash bond or other financial security shall be released. The full or complete release of the financial security shall follow the procedure below:
- (a) The financial security may be released on receipt of written notice from the Office of Planning and Zoning stating that all the planting requirements have been met.
  - (b) Written notice shall be sent at the end of the required monitoring and maintenance period unless as provided in Subsection 6 below or non-compliance with this Section is determined by the Office of Planning and Zoning.

- (c) If the Office of Planning and Zoning fails to send written notice by the end of the monitoring and maintenance period the financial security shall be automatically released unless as provided in Subsection 6.

**6. Forfeiture of Bonding or Financial Security.**

- (a) Forfeiture of the bond or financial security may be required if the obligee fails to:
  - (1) implement the planting plan or any element thereof; or
  - (2) implement a correction action necessary to complete or carry-out the planting plan as determined by the Office of Planning and Zoning.
- (b) The Office of Planning and Zoning shall notify the obligee, by certified mail, of the intention of the Office of Planning and Zoning to initiate forfeiture proceedings.
- (c) The obligee has thirty (30) days from the receipt of the notice of forfeiture to show cause why the bond or financial security may not be forfeited.
- (d) If the obligee fails to show cause, the bond or financial security shall be forfeited.
- (e) The Office of Planning and Zoning shall use the forfeited bond or financial security to perform the planting plan.

**Section 189. Modification to Bufferyards from Collector or Arterial Roadways**

Bufferyards are designed to lessen the impact of new development by providing screening and, as such, are required along collector and arterial roadways in major subdivisions. It is recognized however, that rural character and/or agriculture could be better preserved if the location and/or extent of the bufferyard is modified. Therefore, the Planning Commission may modify the location of the required bufferyards in major subdivisions to maintain open vistas and/or to better screen the new development from the adjacent collector or arterial roadways. The Planning Commission may also reduce or eliminate the bufferyard requirement to the extent that existing site conditions provide for adequate screening of the new development from the adjacent collector or arterial roadways. This section does not apply to bufferyards from agricultural uses.

**Section 190. Reserved**

(Amended 11/15/94)

**ARTICLE XI**  
**Part I**

**OVERLAY ZONES**  
**Critical Area District**

**Section 191. Statement of Intent, Purpose, Applicability and Findings Requirements**

1. The purpose of the Critical Area District is to implement zoning regulations and measures designed to protect and enhance water quality and habitat resources located within the County's Chesapeake Bay Critical Area. These regulations and measures govern development activities and resource utilization activities, e.g., agriculture and forestry, with the Critical Area. They supplement existing land use regulations by imposing specific standards and requirements as set forth in the Critical Area Act and Criteria. The Critical Area regulations and measures as set forth herein and in any other applicable regulations, supersede any inconsistent law, section, plan or program of the County. In the case of conflicting provisions, the stricter provisions shall apply. The geographic area for which the following district regulations apply shall be those lands and waters located within one thousand (1,000) feet of the landward boundaries of all tidal waters and tidal wetlands as designated on the Official Cecil County Chesapeake Bay Critical Area Maps.
2. No person shall develop, alter, or use any land for residential, commercial, industrial, or institutional uses, nor conduct agricultural, fishery or forestry activities in the Cecil County Critical Area except in compliance with the applicable provisions contained herein.
3. The intent of the Critical Area District is to provide special regulatory protection for the natural resources located within the County's Chesapeake Bay Critical Area and to foster more sensitive development activity in shoreline areas that minimizes adverse impacts to water quality and natural habitats. To ensure this end, no development or resource utilization activity shall be permitted until the applicable approving authority shall make specific findings that the proposed development or activity is consistent with the goals and objectives of the Cecil County Critical Area Program.

**Section 192. Official Critical Area District Maps**

1. Official Critical Area District Maps shall be prepared and maintained in force as part of the Official Zoning Maps of the County. They shall delineate the extent of the Critical Area District that shall correspond to the Chesapeake Bay Critical Area. Within the Critical Area District, there shall be three land use management area classifications, which shall be shown on the Official Critical Area Maps:
  - a. Intensely Developed Areas (IDA's);
  - b. Limited Development Areas (LDA's); and
  - c. Resource Conservation Areas (RCA's).

Note - These land use management areas correspond to the definitions established in the Chesapeake Bay Critical Area law and Criteria, as amended, for each area and specifically as identified on the Official Cecil County Chesapeake Bay Critical Area maps, adopted as part of the Cecil County Critical Area Program. Mapped land use management area

(Amended 7/22/2008)

classifications are based on land uses established on or before December 1, 1985, except for areas where the land use classification may be changed by granting the Growth Allocation (GA) or the Special Growth Allocation (SGA) floating zone district classification as provided in Sections 204 through 213. The Critical Area District Maps may be amended by the County Commissioners in compliance with amendment provisions in this Ordinance, the Maryland Critical Area Law and Critical Area Criteria.

2. The Critical Area shall include all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:
  - a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland.
  - b. All land and water areas within 1,000 feet beyond the landmark boundaries of state or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland; and
  - c. Modification to these areas through inclusions or exclusion proposed by local jurisdictions and approved by the commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.
3. The County Commissioners may elect to adjust the Critical Area Boundary to delete areas of the County from the Critical Area District only at such time as new Official Wetland Maps are adopted by the State of Maryland or an area of the Critical Area has been approved by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays for exclusion. The County Commissioners may also elect to add areas to the Critical Area at any time, subject to approval by the Critical Area Commission. Such changes shall be treated as amendments to the Critical Area District.

### **Section 193. Density Provisions**

1. Density in the Intensely Developed Areas (IDAs) shall be as established in the underlying base zone.
2. The development density and minimum lot sizes permitted within a Limited Development Area (LDA) shall be governed by prescriptive densities within the applicable underlying base zoning districts that permit residential use, however in no case may the permitted density exceed 3.99 units per acre. Determination of density shall be based on the gross site area of the parcel prior to development.

(Amended 7/22/2008)

- 3.** Residential densities (not lot sizes) in Resource Conservation Areas (RCAs) shall not exceed one (1) unit per twenty (20) acres regardless of densities permitted in applicable underlying base zones, except as provided below. Determination of density shall be based on the gross site area of the parcel, excluding tidal wetlands. Within a Resource Conservation Area, the County may consider one additional dwelling unit per lot or parcel as part of the primary dwelling unit for the purpose of the density calculation under this subsection if the additional dwelling unit meets either of the following sets of conditions:
- a.** **(1)** Is located within the primary dwelling unit or its entire perimeter is within 100 feet of the primary dwelling unit;
  - (2)** Does not exceed 900 square feet in total enclosed area; and
  - (3)** Is served by the same sewage disposal system as the primary dwelling unit; or
  - b.** **(1)** Is located within the primary dwelling unit;
  - (2)** By its construction, does not increase the amount of impervious surface already attributed to the primary dwelling unit; and
  - (3)** Is served by the same sewage disposal system as the primary dwelling unit.
  - c.** An additional dwelling unit meeting all the criteria of this section that is separate from the primary dwelling unit may not be subdivided or conveyed separately from the primary dwelling unit.
  - d.** The provisions of this section apply to density calculations only and may not be construed to authorize the County to grant a variance, unless the variance is granted in accordance with the requirements and standards in this ordinance for variances in the Critical Area.
  - e.** The County shall maintain records of all building permits issued under this section for additional dwelling units considered part of a primary dwelling unit, and shall provide this information on a quarterly basis to the Critical Area Commission.
- 4.** In determining residential densities for a site, private wetlands may be included in the calculation of one (1) unit per twenty (20) acre density provided the development density on the upland portion of the site does not exceed one (1) dwelling unit per eight (8) acres. The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State wetland maps.

(Amended 11/16/04)

- a.** Minimum lot sizes shall be governed by standards applicable to the underlying base zoning districts.
- b.** The one (1) unit per twenty (20) acre density limitation shall not prevent a bona fide intrafamily transfer subject to the following limitations:
  - (1)** Intrafamily transfers will be permitted on portions of certain parcels in the Critical Area where it is shown that the parcel was recorded on or before March 1, 1986 and where such parcel is at least seven (7) acres and not more than sixty (60) acres in size.
  - (2)** A bona fide intrafamily transfer shall be subject to all requirements of the Cecil County Subdivision Regulations. A notation shall be placed on the final subdivision plat denoting the lot(s) that are created under these provisions.
  - (3)** Subdivision of land under the bona fide intrafamily transfer provision contained herein shall be subject to the following limitations:
    - (a)** Parcels 7 acres to less than 12 acres cannot be subdivided into more than a total of 2 lots.
    - (b)** Parcels 12 acres to less than 60 acres cannot be subdivided into more than a total of 3 lots.
  - (4)** A lot created pursuant to these provisions may not be subsequently conveyed to any person except as provided herein:
    - (a)** Where the conveyance is to a member of the owner's immediate family.
    - (b)** Where the conveyance of the lot is as part of a default on a mortgage or deed of trust.

- (5) Lots created pursuant to these provisions shall not be created for purposes of ultimate commercial sale. In addition, any lot created under this section may not be transferred or sold to a third party that is not a member of the owner's immediate family or a holder of a mortgage or deed of trust on the property, unless and until the Planning Commission has determined that the following can be conclusively proved:
    - (a) A change in circumstances has occurred since the original transfer, not of the owner's own doing, that would warrant permitting a subsequent transfer, when such circumstances are consistent with the warrants and exceptions contained herein; or
    - (b) Other circumstances necessary to maintain land areas to support protective uses of agriculture, forestry, open space, and natural habitats in RCA's warrant an exception.
- c. Deeds of transfer shall include the provisions contained in (5) above as covenants. Such covenants shall prevent the subsequent transfer or sale of a lot or lots created pursuant to the intra-family transfer provisions contained herein to a third party, not a member of the owner's immediate family or a holder of a mortgage or deed of trust on the property, except as provided in (5) above.

#### **Section 194. Nonconforming Development in the Critical Area District (Grandfathering Provisions)**

An individual unimproved lot or parcel of land located within the Cecil County Critical Area District may be improved in a Resource Conservation Area (RCA) in accordance with Section 201 and otherwise developed in accordance with Section 200 in a Limited Development Area (LDA) and Section 199 in an Intensely Developed Area (IDA) provided they comply with the provisions of Section 197 and 198 and further, provided they comply with the following criteria:

1. Any legally buildable single lot or parcel of record established in Cecil County prior to July 5, 1988 may be improved, developed or redeveloped with a single-family residence, if a dwelling is not already located there.
2. Any lot on which development activity has legally progressed to the point of pouring foundation footing or installation of structural members, prior to adoption of the Cecil County Critical Area Program, will be permitted to complete construction as per existing development approvals (e.g., building permit).
3. Development may take place on lots created prior to June 1, 1984, subject to the limitations on permitted uses contained in this Ordinance and subject to the provisions of this Part in-so-far-as possible. As a condition of approval the Planning Commission

(Amended 7/22/2008)



may require the consolidation or reconfiguration of lots not individually owned in existing subdivisions.

4. Development may take place on lots subdivided between June 1, 1984 and July 5, 1988 for which "interim findings" (Critical Area Law, Section 8-1813) have been made by the Cecil County Planning Commission, Board of Appeals, or County Commissioners.
5. All development permitted under this section shall comply with the Habitat Protection Area and Water-Dependent Facilities standards of this Part.

#### **Section 195. Modified Buffer Areas**

1. Definitions. For the purpose of implementing this subsection, the following words have the following meanings. (In the case of conflicts with other definitions, the stricter provisions shall apply.):
  - (a) *Accessory Structure* means a structure that is detached from the principal structure, located on the same lot and clearly incidental and subordinate to the principal structure; or if there is no principal structure on the lot, a structure that is customarily incidental and subordinate to a principal structure.
  - (b) *Modified Buffer Area* includes the minimum 110-foot Buffer and means an area officially mapped by the local jurisdiction and approved by the Critical Area Commission as a Modified Buffer Area (MBA), where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional or recreational development in the Critical Area prevents the Buffer from fulfilling its intended functions for water quality protection and wildlife habitat conservation.
  - (c) *Bufferyard* means an area, at least 50 feet wide, located between development activity and the water (or edge of wetlands or streams), planted with vegetation consisting of native species and other appropriate plantings. This area shall be maintained primarily for wildlife habitat and water quality and shall not be maintained in a manner that conflicts with these goals such as mowing or applying herbicides.
  - (d) *Grandfathered Parcel/Lot* means a parcel of land or lot that was subdivided into recorded, legally buildable lots where the subdivision received final approval before December 1, 1985.
  - (e) *Development Activity* means the construction or substantial alteration of residential, commercial, industrial, institutional, recreation or transportation facilities or structures. Development activities include, among other things, structures, roads, parking areas, and other impervious surfaces, mining and related facilities, clearing, grading and septic systems. For purposes of implementing this policy, development activity does not include subdivision.
  - (f) *Natural Forest Vegetation* means vegetation consisting of canopy trees,

(Amended 7/22/2008)

understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this policy shall be designed to mimic the structure and species composition of natural forests.

- (g) *New Development* means a development activity that takes place on a property with pre-development imperviousness less than 15 percent as of December 1, 1985.
- (h) *Principal Structure* means, for the purpose of establishing setbacks, the primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling, excluding utilities and the septic system.
- (i) *Redevelopment* means a development activity that takes place on a property with pre-development imperviousness percent of 15% or greater as of December 1, 1985.

- 2. **Description.** The following provisions are intended to accommodate limited use of shoreline areas that have been mapped as Modified Buffer Areas (MBAs) under the provisions of Section 195 while protecting water quality and wildlife habitat to the greatest extent possible. This section applies only to new development or redevelopment within 110 feet of tidal waters, tidal wetlands and tributary streams on lots of record as of December 1, 1985 that have been identified as Modified Buffer Areas in the Cecil County Critical Area Program and approved by the Critical Area Commission.

3. Permitted Uses:

- a. New development or redevelopment, provided that the Development and Redevelopment Rules and Offsetting Requirements set forth below are observed.
- b. Shore Erosion Protection Measures provided that such measures are consistent with the County's shore erosion protection policies and provided that the measure has obtained all applicable State and federal permits.
- c. Cutting or clearing of trees or natural vegetation under an approved Timber Harvesting Plan or Buffer Management Plan for the following purposes only:
  - (1) For personal use provided that Buffer functions are not impaired and trees cut are replaced at a one-to one ratio and that the clearing or cutting of trees will not impair water quality or existing habitat value;
  - (2) To prevent trees from falling and blocking streams, causing damage to dwellings or other structures, or resulting in accelerated erosion of the shore or streambank;
  - (3) In conjunction with horticultural practices used to maintain the health of individual trees;
  - (4) To provide access to private piers;

(Amended 7/22/2008)

- (5) To install or construct an approved shore erosion protection device or measure;
  - (6) To protect trees from extensive pest or disease infestation if approved by the Department of Agriculture or the Department of Natural Resources; or
  - (7) To permit the development or redevelopment allowed above to be constructed or installed.
4. Prohibited Uses: Water polluting activities including, but not limited to, storage of vehicles, fuel or chemicals.

(Amended 7/22/2008)

**5. Commercial, Industrial, Institutional, Recreational, and Multi-Family**

**Residential Development and Redevelopment Standards:** New development or redevelopment including structures, roads, parking areas, and other impervious surfaces or septic systems will not be permitted in the Buffer unless the applicant can demonstrate that there is no feasible alternative and the Planning Commission or the Director of Planning and Zoning finds that efforts have been made to minimize Buffer impacts and the development shall comply with the following standards:

- a. Proposed development and redevelopment activities shall be located as far as possible from mean high tide, the landward edge of tidal wetlands, or the edge of tributary streams. New subdivisions to accommodate new development shall provide a full 110-foot Buffer and be expanded, as required. Consolidation or reconfiguration of grandfathered lots in a Modified Buffer Area shall result in an overall environmental improvement within the MBA. New structures and impervious surfaces in the MBA that result from consolidation or reconfiguration of grandfathered lots shall not be located within 50 feet of the edge of tidal waters or tidal wetlands.
- b. Variances to other County setback requirements shall be considered before additional intrusion into the Buffer,
- c. Convenience or expense shall not be factors considered when evaluating the extent of allowable impacts to the Buffer.
- d. New development, including accessory structures, shall minimize the extent of intrusion into the Buffer. In cases where the applicant has demonstrated that there is no feasible alternative, new development shall not be located closer to the water (or edge of tidal wetlands) than the setback for the zoning district or 50 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. The 50-foot setback shall be maintained for all subsequent development or redevelopment of the property.
- e. Redevelopment, including accessory structures, shall minimize the extent of intrusion into the Buffer. In cases where the applicant has demonstrated that there is no feasible alternative, redevelopment shall not be located closer to the water (or edge of tidal wetlands) than the setback for the zoning district or 25 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. Existing structures located within the setback may remain or a new structure may be constructed on the footprint of an existing structure or impervious surface. Opportunities to establish a 25-foot setback shall be maximized.
- f. Development and redevelopment shall not impact any Habitat Protection Area

(HPA) other than the Buffer, including nontidal wetlands, other State or federal permits notwithstanding.

- g. Buffer Modification Area designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the Buffer or to create additional buildable land for new development or redevelopment.
- h. No natural vegetation may be removed in the Buffer except that required by the proposed construction and as shown on a Buffer Management Plan.
- i. Mitigation for development or redevelopment in the Buffer Modification Area approved under the provisions set forth herein shall be implemented through a Buffer Management Plan as follows:
  - (1) A forested or landscaped bufferyard, 25 feet wide, shall be established on the project site between the development and the distance to the water. This bufferyard shall be densely planted with trees and shrubs in accordance with Table 1.
  - (2) Redevelopment sites, where existing structures or those rebuilt on an existing footprint limit the area available for planting, appropriate modifications to the width of the planted bufferyard may be made on a case by case basis.

**Table 1**  
**Required Bufferyard Planting**

Area	Quantity and Stocking	Suggested Species
For every 100 linear feet of bufferyard	5 Trees and	White or Red Oak, Pin Oak, Willow Oak, Red Maple, American Holly, Eastern Cedar
	10 Understory Trees/Large Shrubs, and	Dogwood, Mountain Laurel, Bayberry, Shadbush, Winterberry
	30 Small Shrubs and	Pepperbush, Chokeberry, Strawberry Bush, Sweetspire
	40 Herbaceous Plants, Grasses, Etc.	Wild Columbine, Butterflyweed, Common Milkweed, Asters

- j. In addition to establishing a 25-foot bufferyard on site as described above, one of the following mitigation measures shall be implemented based on the following order of preference:
  - (1) Natural forest vegetation of an area twice the extent of the footprint of the development activity within the 110-foot Buffer shall be planted on site in the Buffer or at another approved location.
  - (2) Applicants who cannot fully comply with the planting requirements in (1) above, may use offsets to meet the mitigation requirement. Offsets include the removal of an equivalent area of existing impervious surfaces in the Buffer, the construction of Best Management Practices for stormwater, wetland creation or restoration, or other measures that improve water quality or habitat.
  - (3) Any required mitigation of offset areas shall be protected from future development through an easement, plat notes and declaration of restrictions and recorded among the land records of the County.
  - (4) Modification of the mitigation standards as described in Section 200.6.b(1) does not apply.

- 6. **Single Family Residential Redevelopment Standards.** New development or redevelopment including structures, roads, parking areas, accessory structures and other areas of lot coverage or septic systems will not be permitted in the Buffer unless the applicant can demonstrate that there is no feasible alternative and the Planning Commission or the Director of Planning and Zoning finds that efforts have been made to minimize Buffer impacts and the development shall comply with the following standards:
  - a. Both proposed new development and redevelopment shall minimize the shoreward extent of intrusion into the Buffer. Redevelopment shall not be located closer to the water (or the edge of tidal wetlands) than principal structures on adjacent properties or the local setback for the zoning district, whichever is greater. In no case shall new development or redevelopment be located less than 50 feet from the water (or the edge of tidal wetlands).
  - b. New subdivisions to accommodate new development shall provide a full 110' buffer and be expanded, as required.
  - c. Existing principal dwelling or accessory structures in the Buffer may be replaced in the same location. Any increase in lot coverage within the Buffer shall comply fully with the requirements of this Section.

- d. New accessory structures may be permitted in the Buffer in accordance with the following setback requirements:
  - (1) New accessory structures may be located closer to the water or edge of tidal wetlands than the principal dwelling only if it has been determined by the Director of Planning and Zoning that there are no other locations for the accessory structures.
  - (2) The area of the accessory structures within the Buffer shall be minimized and the cumulative total area of all new and existing accessory structures on the property shall not exceed 500 square feet within 50 feet of the water and 1,000 square feet total.
- e. Variances to other setback requirements shall have been considered before additional intrusion into the Buffer.
- f. Development may not impact any Habitat Protection Areas other than the Buffer, including nontidal wetlands, other State or federal permits notwithstanding.
- g. No natural vegetation may be removed in the Buffer except that required by the proposed construction and as shown on a Buffer Management Plan. The applicant will be required to maintain any other existing natural vegetation in the Buffer.
- h. Buffer Exemption Area designation shall not be used to facilitate the filling of nontidal wetlands that are contiguous to the Buffer or to create additional buildable land for new development or redevelopment.
- i. Mitigation for development or redevelopment in the Buffer Exemption Area approved under the provisions set forth herein shall be implemented as follows:
  - (1) The requirements of §200.6 notwithstanding, natural vegetation of an area twice the extent of the footprint of the development activity within the 110-foot Buffer shall be planted on site in the Buffer or other location as may be determined by the Director of Planning and Zoning. If it is not possible to carry out offsets or other mitigation within the Critical Area, any plantings or other habitat/water quality improvements should occur within the affected watershed.
  - (2) Applicants who cannot comply with the planting requirements may use offsets to meet the mitigation requirements. Offsets may include the removal of an equivalent area of existing impervious surface within the Buffer, the construction of Best Management Practices for stormwater, wetland creation or restoration, or other measures that improve water quality or habitat.

- (3) Any required mitigation or offset areas shall be protected from future development through an easement, plat notes, and declaration of restrictions recorded among the land records of the County.
7. **Notification Requirements.** All new commercial, industrial, institutional, recreational, multi-family residential development or redevelopment projects shall be submitted to the Critical Area Commission in accordance with COMAR 27.03.01.03. Mitigation plans shall be included as part of the project submission.
8. **Review Process.** The Planning Commission shall consider the written findings of the Director of Planning and Zoning documenting that all the Criteria in this section are met including that the disturbance to the Buffer is the least intrusion necessary. These findings shall be provided to the Commission.
9. **Buffer Modification Area Mapping Standards.** The following standards shall apply for the mapping of Buffer Modification Areas.
- a. Only lots of record as of December 1, 1985 are eligible for mapping as Buffer Exemption Areas.
  - b. The parcel or lot being considered for Buffer Modification Area status shall contain a Buffer that was significantly impacted by development at the time of program adoption and that prevent the Buffer from fulfilling its functions.
  - c. Developed parcels or lots shall contain a Buffer intrusion by the principal structures (excluding utilities or septic systems).
  - d. Undeveloped or vacant parcels or lots (i.e., infill) may be designated as a Buffer Modification Area if development within the Buffer cannot be avoided based on the size of the parcel or lot, area of the parcel or lot within the Buffer, or the surrounding pattern of development. Undeveloped lots of record in single ownership that are 200 feet deep or less may also be designated.
  - e. If only part of a parcel or lot meets the criteria for designation as a Buffer Modification Area, then only portions of the parcel or lot shall be designated as a Buffer Modification Area. The portion of the parcel designated as a Buffer Exemption Area will be subject to the Buffer Modification Area requirements. Portions of the property that are not designated as a Buffer Modification Area shall comply fully with the 110-foot Buffer restrictions.
  - f. Any proposal by the County for designation of an area as a Buffer Modification Area shall include, at a minimum, a written evaluation and supporting reasons



which demonstrate the degree to which the proposed Buffer Modification Area does not perform each of the following Buffer functions:

- (1) Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;
- (2) Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, and aquatic resources;
- (3) Maintain an area of transitional habitat between aquatic and upland communities;
- (4) Maintain the natural environment of streams; and
- (5) Protect riparian wildlife habitat.

#### **Section 196. Buffer Requirements**

1. **Identification of the Buffer.** Tidal Waters, Tidal Wetlands, and Tributary Streams no-disturbance Buffer .“Buffer” means a naturally vegetated area or vegetated area established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances. In the Critical Area District, the minimum Buffer is a continuous area located immediately landward of tidal waters – measured from the Mean High Water Line, tributary streams in the Critical Area, and tidal wetlands as has a minimum depth of one hundred and ten (110) feet. The Buffer shall be expanded beyond the minimum depth to include sensitive areas as per requirements established in the Zoning Ordinance.
  - a. Where a tract of land bordering tidal water, tidal wetlands, or tributary streams in the Critical Area a Buffer of at least one hundred and ten (110) feet shall be established landward of the mean high water line, tributary streams, and tidal wetlands in natural vegetation.
2. **General policies.** The County adopts the following policies with regard to the functions of the Buffer:
  - a. Provide for the removal or reduction of sediments, nutrients and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;

(Amended 5/4/1999 and 7/22/2008)

- b. Minimize the adverse effects of human activities on wetlands, shoreline, stream banks, tidal waters and aquatic resources;
  - c. Maintain an area of transitional habitat between aquatic and upland communities;
  - d. Maintain the natural environment of streams; and
  - e. Protect riparian wildlife habitat.
3. **Standards.** The following criteria apply to land use activities within the Buffer:
- a. New development including septic systems, impervious surfaces, parking areas, roads, structures, or other areas of lot coverage are not permitted in the Buffer, except for new water-dependent facilities, development or the expansion of existing development associated with water-dependent facilities, as provided in Section 198. Single family residential new development or redevelopment activities, including structures, roads, parking areas, accessory structures and other areas of lot coverage or septic systems will not be permitted in the Buffer.
  - b. The Buffer shall be expanded to include contiguous sensitive areas, such as steep slopes, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments.
  - c. In the case of steep slopes, fifteen (15) percent or greater contiguous to the Buffer, the Buffer shall be expanded four (4) feet for every one (1) percent of slope or to the top of the slope, whichever is greater in extent.
  - d. When Buffer expansion is required for hydric and/or highly erodible soils, because development or disturbance may impact streams, wetlands, or other aquatic environments, expansion shall be to the upland limit of contiguous hydric and/or highly erodible soils.
  - e. The Buffer shall be maintained in natural vegetation, but may include planted vegetation where necessary to protect, stabilize, or enhance the shoreline. When lands are proposed to be developed or converted to new uses, the Buffer shall be established. In establishing the Buffer, management measures, including planting, shall be undertaken to provide forest vegetation that assures the Buffer functions as set forth in this section.
  - f. Existing sand and gravel operations should establish a Buffer to the greatest extent possible.
4. **Buffer Management Plans.** When the Buffer is required to be established on a development site, when a proposed development activity will impact the Buffer, or

(Amended 7/22/2008)

when the removal of trees or vegetation in the Buffer is proposed, the County will require that the applicant prepare a Buffer Management Plan. The Plan shall show existing vegetation within the Buffer, any vegetation in the Buffer that is proposed to be removed, and the proposed planting in the Buffer required to “establish” the Buffer or as mitigation for impacts. The planting plan shall include the size, species, and locations of all plantings. The Buffer Management Plan shall include appropriate written descriptions, specifications, and protective agreements necessary to ensure proper implementation of the Buffer Management Plan and to ensure appropriate protection and maintenance of vegetation in the Buffer.

5. **Planting Agreements.** For all projects that require establishment of the Buffer or mitigation plantings that exceed 2,000 square feet or 10 trees, the applicant shall execute a planting agreement with the County. The planting agreement shall include provisions for the collection of a surety or bond that will permit the County to accomplish the required planting on the applicant’s property or another location selected by the County should the applicant fail to meet the requirements of the agreement. A Planting Agreement is included in this Ordinance as Appendix C.

#### **Section 197. General Regulations for Development and Land Use within the Critical Area District**

1. Except as provided below, uses, accessory uses, and special exception uses shall be those uses permitted within the applicable underlying base zoning district as shown on the Official Zoning Maps.
2. In business zones within Resource Conservation Areas (RCA's), expansions of existing special exception facilities are permitted.
3. No building or other structure shall exceed thirty-five (35) feet in height, except for flag poles, chimneys or agriculture structures and buildings.
4. Storage of fertilizers, chemicals, pesticides, or polluting materials or substances shall be contained to the extent that any erosion of or runoff from such materials or substances is prevented.
5. No natural vegetation shall be removed nor shall the slope of the land surface be altered in the Buffer, including clearing of existing natural vegetation to create new agricultural lands, except as provided below. In addition, limited cutting or clearing of trees and understory is permitted under an approved Buffer Management Plan for the following purposes:
  - a. To provide access to water-dependent uses otherwise permitted;
  - b. To install or construct a shore erosion protection device or measure otherwise permitted;

(Amended 5/4/1999 and 7/22/2008)

- c. For personal use if there is no impairment of water quality and habitat value and trees cut are replaced and provided that it qualifies as a minor impact;
  - d. To remove trees that may result in stream blockage, streambank erosion or damage to structures;
  - e. To prevent the spread of disease afflicting vegetation and the threat of forest fire with the advice and guidance of the Departments of Agriculture and Natural Resources and spread of noxious weeds and plants; or
  - f. To accommodate modifications or redevelopment of existing structures in the Buffer Modification Areas.
  - g. For agricultural activity provided that a twenty-five (25) foot buffer and Best Management Practices are in place on that portion of the farm that is within the Critical Area District.
  - h. Other uses as recommended by the Cecil County Critical Area Program.
6. The following uses are prohibited due to their adverse impact on habitats and water quality, unless it has been demonstrated that the activity will create a net improvement in water quality to the adjacent body of water.
- a. Non-maritime heavy industry; and
  - b. Transportation facilities.
7. The following uses are prohibited:
- a. Solid or hazardous waste collection or disposal facilities, excluding dumpsters and trash receptacles;
  - b. Sanitary landfills;
  - c. Sludge handling, storage, and disposal facilities, other than those associated with wastewater treatment facilities;
  - d. New commercial or related maritime facilities in the Buffer within Resource Conservation Areas (RCA's);

(Amended 5/4/1999 and 7/22/2008)

- e. New industrial and maritime industrial uses in the Buffer in Limited Development Areas (LDA's) and Resource Conservation Areas (RCA's); and
  - f. The application of sludge in the Buffer.
8. Commercial timber harvesting activities or other cutting or clearing of forested land are permitted in the Critical Area provided such activities are conducted in accordance with all standards established in the Cecil County Critical Area Program and an approved Timber Harvesting Plan.
  9. Agriculture is permitted in the Critical Area provided all agricultural activities and land management practices are conducted in accordance with the standards established in the Cecil County Critical Area Program.
  10. All development, alteration, or use of any land for residential, commercial, industrial, or institutional purposes, or agricultural, fishery or forestry activities in the Critical Area shall only be done in compliance with the Habitat Protection Provisions of the Cecil County Critical Area Program. Cecil County Habitat Protection Areas include the following four habitats: the 110-foot Buffer, Threatened and Endangered Species and Species in Need of Conservation, Plant and Wildlife Habitat Protection Areas including Nontidal Wetlands, and Anadromous Fish Propagation Waters. The 110-foot Buffer is regulated as per Section 195 and 196 of this Ordinance. The remaining Habitat Protection Areas are regulated as per the following sections.
    - a. When required per the standards outlined in this Ordinance, a Habitat Protection Plan shall be provided and approved by the Planning Commission or the Director of Planning and Zoning prior to final approval of the project. The Habitat Protection Plan shall protect and conserve the particular identified habitat or species on the project site and include any necessary mitigation measures. The applicant shall provide a proposed schedule for mitigation, planting plan, and bond if deemed necessary by the Director of Planning and Zoning. The County shall seek additional information and comments from the Department of Natural Resources and other appropriate agencies and adjacent jurisdictions, to ensure that the Plan is adequate to provide for long-term conservation and can be implemented on the specific site. A copy of the Habitat Protection Plan shall be forwarded to the Critical Area Commission for review and comment per COMAR 27.03.01
  11. Areas of threatened and endangered species and areas with species in need of conservation are those areas where these species, as designated by the Secretary of the Department of Natural Resources, are found or have historically been found and their

(Amended 7/22/2008, 2/16/10)

surrounding habitats. The County shall provide protection for threatened and endangered species, those species in need of conservation and their habitats, which occur in the Critical Area.

- a. Standards. The County, through these regulations and measures, shall provide for the protection of the known habitats of species in need of conservation, threatened and endangered species, and also habitats of these species that may be identified in the future. If a subdivision or development activity is proposed for a site within the Critical Area, then the County shall review the proposed activities on a case-by-case basis and seek technical advice from the Department of Natural Resources and other appropriate agencies. Based on the recommendations of each agency, additional research and site analysis may be required to identify the location(s) of threatened and endangered species on a site. If any habitats are identified on a project site, a portion thereof, or adjacent to a project site, then the applicant shall be responsible for developing a Habitat Protection Plan as described above that protects and conserves the species and habitats identified.
- b. Bald Eagle Protection Standards. The County standards for bald eagle protection shall be consistent with those of the Department of Natural Resources. A three zone protection area of  $\frac{1}{4}$  mile (1,320 feet) in radius around each Bald Eagle nest shall be established, and within the zones there shall be compliance with the following protection measures:
  - (1) Zone 1 shall include the area extending from the nest out to a radius of 330 feet from the nest. In this zone timber cutting, land clearing, and development activities are prohibited. Hiking, fishing, and agricultural activities may be permitted from June 16 to December 14. These activities and human activity in general should not be permitted in this zone from December 15 to June 15.
  - (2) Zone 2 extends from the outer limit of Zone 1 to a radius of 660 feet from the nest. In this zone, major habitat changes should be avoided including clear-cutting, land clearing, and development activity. Hunting, hiking, fishing, and agricultural activities may be permitted from June 16 to December 14. These activities and human activity in general should not be permitted in this zone from December 15 to June 15. Agricultural activities may be permitted if Department of Natural Resources data indicate that the nesting eagles are tolerant of these activities. From August 16 to November 14, selective thinning and maintenance of timber stands and building and road maintenance may be permitted.

(Amended 7/22/2008)

(3) Zone 3 extends from the outer limit of Zone 2 to a radius of 1,320 feet from the nest. Timber cutting, land clearing, and development activities shall be restricted from December 15 to June 15. Other activities in this zone that are within sight of the eagles on the nest may need to be restricted during this time period in accordance with Department of Natural Resources recommendations.

(4) If a Bald Eagle nest has not been used for three successive nesting seasons, then any protective regulations applied to the specific site may be removed after verification by the Department of Natural Resources that the nest has been abandoned.

c. **Implementation.** The owner of any property containing a portion of, or adjacent to, a habitat of a threatened or endangered species or a species in need of conservation, on which a land altering or land development activity, is proposed shall prepare a Habitat Protection Plan, as described above. A land altering activity shall include, but not be limited to, such activities as subdivision, timbering, sand and gravel mining, clearing new farmlands, the construction of homes or commercial structures.

12. “Plant habitat” means a community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics. “Wildlife habitat” means those plant communities and physiographic features that provide food, water and cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals in the Critical Area.

a. The following plant and wildlife habitats shall be identified in the Critical Area.

- (1) Colonial water bird nesting sites;
- (2) Historic waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and non-tidal wetlands;
- (3) Existing riparian forests (example: relatively mature forested areas within the Critical area of 50 acres or more, or forest connected with such areas);
- (4) Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species (example: relatively mature forested areas within the Critical area of 50 acres or more, or forest connected with such areas);
- (5) Other areas which may, in the future, be identified by the State and Federal agencies as important plant and wildlife habitat areas;
- (6) Other plant and wildlife habitats determined to be of local significance;
- (7) Natural Heritage Areas which have been designated; and
- (8) Non-tidal wetlands.

(Amended 7/22/2008)

b. **Standards.** The County's Critical Area Program and ordinance will serve to accomplish the goals of the Critical Area Program to protect water quality and wildlife habitat. In addition to the standards set forth in this ordinance for the protection of the Buffer, the following standards shall apply to new development and redevelopment within the Critical Area.

- (1) Any development or significant land use change of property located within the Critical Area of the County will require a site specific survey to determine the presence of any plant and wildlife habitat areas. The survey shall be submitted along with design plans, a written description of the measures the property owner proposes to take to protect the habitats identified, and the required Habitat Protection Plan that addresses the standards below. This information concerning habitats will be incorporated onto Resource Inventory Maps for future reference.
- (2) The County may seek additional information and comments from the Department of Natural Resources and other appropriate agencies and adjacent jurisdictions.
- (3) When proposing development activities within riparian forests or forest areas utilized as breeding areas by forest interior dwelling birds, applicants will utilize the guidance found in the Critical Area Commission publication entitled, *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*, date June 2000, and as may be subsequently amended. In addition, the Department of Natural Resources may make specific recommendations based on an evaluation of the site and the proposed development. Riparian habitat protection shall be achieved through adherence to valid habitat protection policies as follows.
  - (A) Vegetation shall be maintained in its natural condition along all streams to provide wildlife corridors.
  - (B) A minimum 110 foot Buffer shall extend landward from the mean high water line of tidal water, and the edge of tributary streams and tidal wetlands. This area is to be conserved for wildlife protection.
  - (C) Non-tidal wetland forests shall be left in a natural state for wildlife and water quality protection.
  - (D) Forest areas utilized as breeding areas by forest interior dwelling birds and other species shall be conserved.
  - (E) Existing riparian forest, e.g, those relatively mature forests of at least 300 feet in width which occur adjacent to streams, wetlands, or Bay shoreline and/or which are documented breeding areas, shall be conserved.

(Amended 7/22/2008)



- (4) If a forest is to be developed or to be harvested, a site-specific field investigation shall be conducted to determine if important sensitive species are present and to make sure that appropriate protection measures are incorporated into the development plan or Timber Harvest Plan. (When proposing development activities within riparian forests or forest areas utilized as breeding areas by forest interior dwelling birds, applicants will utilize the guidance found in the Critical Area Commission publication entitled, *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*, date June 2000, and as may be subsequently amended.) In addition, the Department of Natural Resources may make specific recommendations based on an evaluation of the site and the proposed development. In general, the following recommended measures shall be followed.
- (A) Minimize forest and woodlands disturbance from off-road vehicles, public use or logging from May through August of each year;
  - (B) Focus all development on the periphery of the forest or woodlands;
  - (C) Retain the forest canopy as well as shrub understory;
  - (D) Retain snag and mature seed trees as dens for woodpeckers and as nests for bald eagles;
  - (E) Discourage the creation of small clearings and expansion of forest bridge habitats;
  - (F) Encourage the re-establishment of native forests and woodlands; and
  - (G) Adopt harvest techniques to maintain or improve habitat.
- (5) The County requires the conservation of rough areas, e.g., depressions, swales, non-tidal wetlands or other areas unsuitable for development or agriculture, as wildlife cover. Using cluster development, the developer shall leave these areas in natural vegetation or where this is not feasible, replant with native vegetation.
- (6) For development activities in RCA and LDA, wildlife corridors shall be established and used to connect areas left in forest cover with any large forest tracts which are located outside of the area of the property being developed or subdivided. The area left in forest cover (at least 70 percent of the tract in LDAs or RCAs as required by this Ordinance) shall be adjacent to larger forest, not left as an isolated island of trees. Planting required as a mitigation measure shall also be adjacent to other habitat.
- (7) Buffer areas for colonial winter bird (heron, egret, tern, and glossy ibis)

(Amended 7/22/2008)

nesting sites shall be established (if such birds are found to exist in the Critical Area) so that these sites are protected from the adverse impacts of development activities and from disturbance during the breeding season.

- (8) New water-dependent facilities shall be located to prevent disturbance to site of significance to wildlife such as historic, aquatic staging and concentration areas for waterfowl.
- (9) Protection measures, including a buffer area, shall be established where appropriate, for other plant and wildlife habitat sites identified in this Ordinance.
- (10) Forested areas required to support wildlife species identified as threatened and endangered, or in need of conservation, shall be protected and conserved by developing management programs which have as their objective, conserving the wildlife that inhabit or use the areas. Development activities, or the clearing or cutting of trees which might occur in the areas, shall be conducted so as to conserve riparian habitat, forest interior wildlife species and their habitat. Management measures may include incorporating appropriate wildlife protection elements into Timber Harvest Plans, Forest Management Plans, cluster development or other site design criteria which provide for the conservation of wildlife habitat. Measures may also include Soil Conservation Plans, which have wildlife habitat protection provisions appropriate to the areas defined above, and incentive programs which use the acquisition of easements and other, similar techniques.
- (11) When development activities, or the cutting or clearing of trees, occurs in forested areas, to the extent practical, corridors of existing forest or woodland vegetation shall be maintained to provide effective connections between wildlife habitat areas.
- (12) Those plant and wildlife habitats considered to be of local significance by the County shall be protected. Examples of these are those whose habitat values may not be of statewide significance, but are of importance locally or regionally because they contain species uncommon or of limited occurrence in the County, or because the species are found in unusually high concentrations.
- (13) Natural Heritage Areas shall be protected from alteration due to development activities or cutting or clearing so that structure and species composition of the areas are maintained.

(Amended 7/22/2008)

- (A) The following area within the Critical Area of the County is officially identified as a Natural Heritage Area.

- 1. The Plum Creek Natural Heritage Area.

- (B) Development activities or cutting and clearing in Natural Heritage Areas shall be prohibited unless an analysis is performed and measures proposed to mitigate any adverse impacts of the proposed activities. The analysis and mitigation measures shall be prepared by qualified professionals (e.g., ornithologists, zoologists, environmental engineer and planners) at the expense of the applicant and shall address the expected effects on the natural environment within the Natural Heritage Area.
- (C) The analysis shall be submitted to the Office of Planning and Zoning for review and comment by the Technical Advisory Committee (including the Critical Area staff) in conjunction with the preparation of the Preliminary Plat, if a major subdivision. (If the proposed development activities are part of a site plan or minor subdivision, then those applications are not reviewed by the Technical Advisory Committee or the Planning Commission.) Upon receiving said comment and, if appropriate, upon seeking the advice of expert consultants, the Planning Commission or the Director of Planning and Zoning shall find against or in favor of the activities or may make suggestions for changing the analysis and ask the applicant to resubmit the analysis. The initial review between the County and the Critical Area Commission should be completed within sixty (60) days from submission.

c. In addition to the standards set forth in this ordinance for protection of the Buffer and expansion of the Buffer for hydric soils, the following shall apply to new development and re-development in the Critical Area.

- (1) Maintain at least a 25 foot buffer around identified non-tidal wetlands where development activities or other activities may disturb the wetlands or the wildlife contained therein, shall be prohibited unless it can be shown that these activities will not adversely affect the wetland. This requirement is not intended to restrict the grazing of livestock in these wetlands.

(Amended 7/22/2008)

- (2) Protect the hydrologic regime and water quality of identified non-tidal wetlands by providing that development activities or other land disturbances in the drainage area of the wetlands shall minimize alteration to the surface or subsurface flow of water into and from the wetlands and not cause impairment of the water quality or the plant and wildlife and habitat value of the wetland.
- (3) If an applicant demonstrates that activities or operations that impact non-tidal wetlands are water-dependent or of substantial economic benefit, but will cause unavoidable and necessary impacts to the wetlands, a Mitigation Plan is required. The Plan shall specify mitigation measures that will provide water quality benefits and plant and wildlife habitat equivalent to those of the wetland destroyed or altered and shall be accomplished, to the extent possible, on site or near the affected wetland. In evaluation a proposal involving wetland impacts, the County shall consider the following.
  - (A) Avoiding the impact by not taking a certain action or parts of an action;
  - (B) Minimizing impacts by limiting the degree of magnitude of action and its implementation;
  - (C) Remediating the impact by repairing, rehabilitating, or restoring the affected environments;
  - (D) Reducing or eliminating the impact over time by preservation and maintenance operation during the life of the action; and
  - (E) Compensating or eliminating the impact over time by replacing or providing substitute resources or environments.
- (4) For all activities or operations that impact non-tidal wetlands or the non-tidal wetland buffer, the applicant shall seek comments on Mitigation Plans from the Department of Natural Resources, and, where appropriate, State departments including the Departments of the Environment and Agriculture, the local Soil Conservation Districts and the U. S. Fish and Wildlife Service. Upon finding that the plan as proposed, or as may be modified to address the comments of these agencies, provides mitigation sufficient to accomplish the objectives of this section, then the proposer shall implement the plan.

(Amended 7/22/2008)

13. Anadromous Fish Propagation Water Development Standards. Anadromous fish propagation waters are those streams that are tributary to the Chesapeake Bay where spawning of anadromous species (e.g., rockfish or striped bass, yellow perch, white perch, shad and river herring) occurs or has occurred.
  - a. The policies of the County with regard to anadromous fish propagation waters shall be to:
    - (1) Protect the instream and streambank habitat of anadromous fish propagation waters;
    - (2) Promote land use policies and practices in the watershed of spawning streams within the Critical Area which will minimize the adverse impacts of development on the water quality of the streams; and
    - (3) Provide for the unobstructed movement of spawning and larval forms of anadromous fish in streams.
  - b. With anadromous fish propagation watersheds, the following measures are required.
    - (1) Establishment of a Habitat Protection Plan.
    - (2) The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams shall be prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.
    - (3) Channelization or other physical alterations which may change the course or circulation of a stream and thereby interfere with the movement of fish, shall be prohibited.
    - (4) The County shall require development activity that occurs within a watershed draining to anadromous fish propagation waters to fulfill the following objectives.
      - (A) Minimize development activities or land disturbances within the watershed;
      - (B) Maintain, or if practicable, improve water quality in affected streams or other water bodies;
      - (C) Minimize to the extent possible the discharge of sediments into

(Amended 7/22/2008)

affected streams or other water bodies; and

- (D) Maintain, or if practicable, increase the natural or native vegetation of the watershed and tree canopy over the streams.
- (5) The County shall ensure coordination and compliance with complementary State laws and regulations, as follows.
  - (A) Prohibit the construction or placement of dams or other structure that would interfere with or prevent the movement of spawning fish or larval forms in streams or other designated water bodies. If practical, existing structures shall be removed; and
  - (B) Ensure that the construction, repair or maintenance activities associated with bridges, or other stream crossing or with utilities and roads, which involve disturbance within the buffer or which occur instream, as described in COMAR 08.05.0311B(5), shall be prohibited between March and June 15 of each year.

#### **Section 198. Water-Dependent Facility Requirements**

1. Proposed new or expanded water-dependent facilities may be permitted in the Buffer in IDA and LDA provided they demonstrate the following:
  - a. They are water-dependent;
  - b. They meet a recognized private right or public need;
  - c. That the adverse impacts on water quality and fish, plant and wildlife habitat are minimized;
  - d. That, insofar as possible, non-water dependent uses or activities are located outside of the Buffer; and
  - e. That they meet the requirements of the Cecil County Critical Area Program.

(Amended 5/4/99, 6/18/08, 7/22/2008)

2. Buildings, structures, and parking areas are prohibited within the Buffer except the following:

a. Community piers, individual private piers, docks, launching ramps, and mooring facilities.

(1) For community piers, only the following uses may be located in the Buffer:

(a) mooring buoys and slips

(b) docks, piers, launching ramps, access roads, and paths

(c) loading/unloading areas

(2) Where community piers are permitted, the number of slips or mooring buoys shall be the lesser of (a) or (b) below:

(a) One slip for each fifty (50) feet of shoreline in the subdivision in Intensely Developed Area (IDA's) and Limited Development Areas (LDA's) and one slip per each 300 feet of shoreline in the subdivision in the Resource Conservation Areas (RCA's); or

(b) A ratio of slips or piers to platted lots or dwellings within the subdivision in the Critical Area District according to the following:

Platted Lots or Dwellings  
in the Critical Area

Slips  
Non-Commercial

up to 15

1 for each lot

16 - 40

15 or 75%, whichever is greater

41 - 100

30 or 50%, whichever is greater

101 - 300

50 or 25%, whichever is greater

over 300

75 or 15%, whichever is greater

(3) Where community slips or community piers are permitted the following shall apply:

(a) These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities;

(Amended 7/22/2008)

- (b) These facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision;
  - (c) Disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities; and
  - (d) If community piers, slips, or moorings are provided as part of the new development, private piers in the development are not allowed.
- b. Where permitted, expansion of existing commercial marinas in Resource Conservation Areas (RCA's), and uses accessory thereto are permitted, such accessory uses being limited to twenty-five (25) percent of the first floor area. Expansion of principal and/or accessory uses may only be permitted if there is a net overall improvement to water quality leaving the site (including minimizing bottom wash waters). Only the following uses which are considered "water-dependent" may be located in the Buffer.
  - (1) Slips;
  - (2) Docks, piers, launching ramps, access roads and paths;
  - (3) Loading and unloading areas;
  - (4) Fuel areas;
  - (5) Fresh water and ice;
  - (6) Phone and electric service;
  - (7) Sewage pump-out when any sewerage disposal area is located outside of the Buffer;
  - (8) Marina railways and travel lifts; and
  - (9) Wet covered repair shops.

(Amended 7/22/2008)



- c.** Public community beaches and other public and community water-oriented recreation or education areas including, but not limited to, publicly owned boat launching and docking facilities and fishing piers may be permitted in the Buffer in Intensely Developed Areas (IDA). These facilities may be permitted within the Buffer in Limited Development Area (LDA) and Resource Conservation Areas (RCA) provided that:

  - (1) Adequate sanitary facilities exist;
  - (2) Service facilities are, to the extent possible, located outside the Buffer;
  - (3) Permeable surfaces are used to the extent practicable, if no degradation to groundwater would result;
  - (4) Disturbance to natural vegetation is minimized; and
  - (5) Areas for passive recreation, such as nature study, and hunting and trapping, and for education, may be permitted in the Buffer within Resource Conservation Areas, if service facilities for these uses are located outside the Buffer.
- d.** Water-dependent research facilities or activities operated by State, federal or local agencies, or educational institutions, may be permitted in the Buffer, if non-water dependent structures and facilities associated with the project are, to the extent possible, located outside of the Buffer.
- e.** Industrial uses, expansion of existing industrial uses located in the Buffer, or expansion of existing maritime industrial uses may only be permitted in IDA and in a Buffer Exemption Area, in zones where permitted, provided that no industrial structure shall be located within five hundred (500) feet of the Mean High Water Line unless such structures are an integral part of the shipping or receiving of waterborne goods or materials required for the operation of the industrial establishment. Only the following industrial and port related water-dependent facilities may be located within the Buffer Exemption Area in an IDA:

  - (1) Docks, piers, and access roads;
  - (2) Freight staging areas;
  - (3) Rail lines;
  - (4) Dry docks;

- (5) Fueling areas; and
  - (6) Public access roads.
- 3. No structure connected to the shoreline, such as a dock, pier, boathouse, etc., shall extend outward from the Mean High Water Line from where the structure is connected to the shoreline, more than twenty-five (25) percent of the distance to the Mean High Water Line on the opposite shore, or more than three hundred (300) feet, whichever is the lesser distance. Notwithstanding this provision, no dock or pier shall extend to within the boundaries of any defined navigation channel established by a state or federal agency.
- 4. New commercial marinas are prohibited in Resource Conservation Areas (RCA). Expansion of existing commercial marinas is permitted in RCAs only if it is sufficiently demonstrated that expansion will not adversely affect water quality and that it will result in an overall net improvement in water quality at or leaving the site of the marina.
- 5. Applications for new and expanded water-dependent facilities shall address the following environmental standards:
  - a. That the activities will not significantly alter existing water circulation patterns or salinity regimes;
  - b. That the water body upon which these activities are proposed has adequate flushing characteristics at the site;
  - c. That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;
  - d. That adverse impacts to water quality that may occur as a result of these activities, such as non-point source run-off, sewerage discharge from land activities or vessels, or from boat cleaning and maintenance operations is minimized;
  - e. That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;
  - f. That dredging shall be conducted in a manner, at such time of the year, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area;

- g.** That dredged spoil, except for clean sand for beach nourishment, will not be placed within the Buffer or elsewhere in that portion of the Critical Area which has been designated as a Habitat Protection Area;
- h.** That interference with the natural transport of sand will be minimized;
- i.** That no disturbances will occur to aquatic areas of historic waterfowl staging and concentration areas.

### **Section 199. Development Standards in Intensely Developed Areas (IDA's)**

All uses in the IDA shall be subject to the following development standards and/or conditions in addition to those established in other sections of this Ordinance. Development and redevelopment in those areas designated Intensely Developed Areas (IDA's) shall be subject to the following standards:

- 1.** The following uses may only be permitted in an IDA and only after the applicant has demonstrated that the activity will create a net improvement in water quality to the adjacent body of water.
  - a.** Non-maritime heavy industry;
  - b.** Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants); and
  - c.** Permanent sludge storage, handling and disposal facilities associated with wastewater treatment facilities.
- 2.** All sites for which development activities are proposed, and which require subdivision approval or site plan review and approval, shall identify environmental or natural features on that portion of the site within the Critical Area.
- 3.** Development and redevelopment shall be subject to the Habitat Protection Criteria prescribed in COMAR 27.01.09 and those habitat protection guidelines in the Cecil County Critical Area Program. This information shall be made part of the Environmental Impact Assessment Report as part of the application for site plan review.

(Amended 7/22/2008)

4. Development and redevelopment shall be required to identify stormwater management practices appropriate to site development which achieve the following standards:
  - a. Development and redevelopment proposals shall demonstrate that the Best Management Practices for stormwater assure a ten (10) percent reduction of pre-development pollutant loadings (see Stormwater Management Ordinance for computation methodology).
  - b. If the required ten (10) percent improvement will not be achieved, then offsets must be provided as approved by the County. Offsets may be provided either on or off site as determined by the County, provided that water quality benefits are equivalent, that the benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring, or other computation of mitigation measures.
5. Development and redevelopment projects shall delineate those site areas not covered by impervious surfaces, and that are to be maintained or established in vegetation. Where vegetation is not proposed, the developer shall demonstrate why plantings for such portions of the site are impracticable. The types of planting and vegetation proposed shall be in accordance with guidelines established in Section 202 below.
6. A minimum twenty-five (25) foot buffer shall be established around all non-tidal wetlands as identified in the County Critical Area Program. This Buffer shall be expanded to include adjacent sensitive soils unless the applicant can prove that the development or disturbance of these areas will not adversely impact the wetlands.
7. Proposed development shall be done so as to protect the hydrologic regime and water quality of identified non-tidal wetlands by providing that development activities and other land disturbances in the drainage area of the wetlands will minimize alterations to the surface or subsurface flow of water into and from the wetland and not cause impairment of water quality or the plant and wildlife and habitat value of the wetland.
8. Development and redevelopment projects shall install vegetative shore erosion control measures (where feasible and appropriate) on portions of the site proposed for development and near such portions if the shore erosion threatens the proposed development portion. Where control of shore erosion cannot be accomplished by vegetative measures and structural measures are required, proposed development must either:
  - a. Construct appropriate structural measures to control shoreline erosion on portions of the site proposed for development and near such portions if the shore erosion threatens the proposed development portion; or

- b. Set back the development behind the Buffer based on the annual shore erosion rate. To determine the setback, published data on annual erosion rates for the site must be used. (If two or more published rates are available, the highest rate must be used). If published data are not available, either the annual rate is assumed to be two (2) feet per year or the developer shall do a technical study to determine the annual erosion rate. The setback shall be the annual erosion rate times twenty-five (25) years.

## **Section 200. Development Standards in Limited Development Areas (LDAs)**

Development and redevelopment in an area designated Limited Development Areas shall be subject to the following standards.

1. All sites for which development activities are proposed, and which require subdivision approval or site plan review and approval, shall identify environmental or natural features on that portion of site within the Critical Area. This information shall be made part of the Environmental Impact Assessment Report as part of the application for site plan review.
2. Site development shall be designed to assure that features or resources identified as Habitat Protection Areas are afforded protection as prescribed in COMAR 27.01.09 and in these regulations. Where said protection of identified Habitat Protection Areas is required, the Environmental Assessment shall include the Habitat Protection Plan (§197.10.a), and the Final Plat shall include appropriate notes.
3. Roads, bridges and utilities serving development that must cross a Habitat Protection Area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality. When no alternative exists and such infrastructure must cross or be located in Habitat Protection Areas, the developer shall demonstrate that no feasible alternative location for such infrastructure exists and must show how these standards will be met at each phase of the project, i.e., location, design, construction and maintenance.
4. All development activities which cross, or are located adjacent to, tributary streams in the Critical Area shall:
  - a. Be designed in a manner to reduce increases in flood frequency and severity;
  - b. Provide for the retention of natural streambed substrate;
  - c. Minimize adverse impacts to water quality and storm water runoff; and

(Amended 7/22/2008)

- d.** Retain the existing tree canopy so as to maintain stream temperatures in the normal range of variation.
- 5.** Development activities shall be located and designed to provide for the maintenance of the wildlife and plant habitats on the existing site and to maintain continuity with those on adjacent sites. When wildlife corridors exist or are proposed they shall include any existing Habitat Protection Areas and connect large forested areas on or adjacent to the site.
- 6.** Forest and developed woodlands, as defined by the County Critical Area Program, shall be created or protected in accordance with the following:
  - a.** When less than fifteen (percent) of the site is in forest cover, at least fifteen (15) percent of the gross site area shall be afforested. The location of the afforested area should be designed to reinforce protection to habitats on the site or to provide connections between forested areas when they are present on adjacent sites;
  - b.** Clearing of forest or developed woodland should be minimized. When forests or developed woodlands exist on the site and the proposed development requires the cutting or clearing of trees, areas proposed for clearing shall be identified on the proposed development plan. A grading permit shall be obtained by the applicant prior to any clearing or cutting associated with proposed development. In addition, cutting or clearing associated with development shall be subject to the following limits and replacement conditions:
    - (1)** All forests cleared or developed shall be replaced on not less than an equal area basis on the site or on an alternative site approved by the Planning Commission or the Office of Planning and Zoning.
    - (2)** No more than twenty (20) percent of the forest or developed woodland within the site proposed for development may be removed (except as provided in (3) below). The remaining eighty (80) percent shall be maintained as forest cover through the use of appropriate instruments (e.g., recorded restrictive covenants).
    - (3)** The clearing of forest or developed woodlands of up to twenty (20) percent shall be replaced on an area basis of one-to-one. A developer may propose clearing up to thirty (30) percent of the forest or

(Amended 7/22/2008)

developed woodland on a site, provided an area 1.5 times the entire area cleared shall be planted in forest cover;

- (4) If more than thirty (30) percent of the forest on a site is cleared, the forest is required to be replanted at three (3) times the total extent of the cleared forest;
      - (5) If the cutting of forests occurs before a grading permit is obtained, the forest is required to be replanted according to the requirement in (4) above.
    - c. Surety in the form of a performance bond or other means acceptable to the County Attorney shall be provided in the Landscape Agreement in an amount suitable to assure forest replacement as required.
    - d. The forests and developed woodlands required to be retained or created through afforestation shall be maintained through restrictive covenants, easements, or similar instruments in a form approved by the County Attorney.
  7. Development on slopes greater than fifteen (15) percent or greater shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability.
  8. Lot coverage shall be limited to fifteen (15) percent of the gross site area except as follows:
    - a. If a parcel or lot one-half (1/2) acre or less in size existed on or before December 1, 1985, then lot coverage associated with that use are limited to twenty-five (25) percent of the parcel or lot. Lot coverage on such parcels or lots may cover up to 31.25 percent of the parcel or lot or 500 square feet more than twenty-five (25) percent of the parcel or lot, whichever is greater, provided the conditions as stated below are met.
    - b. If a parcel or lot greater than one-half acre and less than one acre in size existed on or before December 1, 1985, then lot coverage is limited to fifteen (15) percent of the parcel or lot or 5,445 square feet, whichever is greater, provided the conditions as stated below are met.
    - c. These provisions do not apply to a legally existing manufactured home park that was in residential use on or before December 1, 1985.
  9. If lot coverage is expanded beyond twenty-five (25) percent per 8.a. above or fifteen (15) percent per 8.b. above, the following conditions must be met:

(Amended 1/28/1997 and 7/22/2008)

- a. Water quality impacts associated with runoff from the new area of lot coverage has been minimized through site design considerations; and
  - b. The property owner performs on-site mitigation to offset potential adverse water quality impacts from the new area of lot coverage.
- 10. A minimum twenty-five (25) foot buffer shall be established around all non-tidal wetlands as identified and shall be expanded to include adjacent sensitive areas whose development or disturbance would adversely impact the wetlands.
- 11. Proposed development shall be done so as to protect the hydrologic regime and water quality of identified non-tidal wetlands by providing that development activities and other land disturbances in the drainage area of the wetlands will minimize alterations to the surface or subsurface flow of water into and from the wetland and not cause impairment of water quality or the plant and wildlife and habitat value of the wetland.
- 12. Development and redevelopment projects shall install vegetative shore erosion control measures (where feasible and appropriate) on portions of the site proposed for development and near such portions if the shore erosion threatens the proposed development portion. Where control of shore erosion cannot be accomplished by vegetative measures and structural measures are required, proposed development must either:
  - a. Construct appropriate structural measures to control shoreline erosion on portions of the site proposed for development and near such portions if the shore erosion threatens the proposed development portion; or
  - b. Set back the development behind the Buffer based on the annual shore erosion rate. To determine the setback, published data on annual erosion rates for the site must be used. (If two or more published rates are available, the highest rate must be used). If published data are not available, either the annual rate is assumed to be two (2) feet per year or the developer shall do a technical study to determine the annual erosion rate. The setback shall be the annual erosion rate times twenty-five (25) years.

## **Section 201. Development Standards in Resource Conservation Areas (RCAs)**

Development and redevelopment in Resource Conservation Areas (RCA's) shall be subject to the same development standards applicable to the Limited Development Areas (LDA's).

## **Section 202. Woodland Reforestation and Afforestation Standards**

Where reforestation or afforestation is required, the following minimum standards within the Critical Area District shall be used.

- 1. The replacement or establishment of forests or developed woodlands shall assure a diversified plant community, but may include other types of tree plantings where

(Amended 1/28/97 and 7/22/2008)



necessary to correct an existing soil stabilization problem. Diverse forest plantings shall include:

- a.** A canopy layer, an understory layer, and a shrub layer; and
  - b.** For each acre of land where woodlands must be replaced or established, plantings shall consist of trees and/or wildlife shrub species spaced approximately at eight (8) foot intervals in rows eight (8) feet apart, or other suitable spacing on a site-by-site basis, that result in a minimum of three hundred (300) stems per acre after the first growing season.
- 2.** A planting plan shall be submitted by the developer to the Office of Planning and Zoning for approval, and must demonstrate compliance with the minimum standards for reforestation and afforestation specified above. It is required that the planting plan shall be prepared by a licensed forester, landscape architect, or an experienced landscape designer.
- 3.** The planting plan must be prepared in coordination with the approved site plan or preliminary and final subdivision plat and shall show:
  - a.** The site plan, building outlines (remaining and proposed), walls, fences, parking spaces, loading spaces, driveways, walks, storage areas, public rights-of-way, easements and the general location of structures and uses of abutting properties;
  - b.** Existing and proposed grades;
  - c.** Existing vegetative cover to be retained, and the location, general size and type of such vegetation;
  - d.** The method for protecting plant materials during and after construction;
  - e.** A plant schedule and plan, listing plants to be used (giving their botanical and common names), size at time of planting, and quantity of each;
  - f.** An indication of whether plants are balled and burlapped, container grown or bare root; and
  - g.** An indication of the spacing and location of all proposed trees, shrubs and ground covers.

- 4. Plant Materials and Planting Schedule:**
- a.** Although plant types should be chosen from the recommended plant list available from the Office of Planning and Zoning or Maryland State Bay Watershed Forester, plant types that vary from this list may be substituted. Plants for afforestation or reforestation shall be suitable in regard to their eventual size and spread, susceptibility to diseases and pests, and adaptability to existing soil and climate conditions.
  - b.** All planting should be done in the months of March and April of each year. For the first two (2) years, steps should be taken to control competing vegetation.
- 5.** The planting plan shall be accompanied by an estimate of the installation cost for all afforestation and reforestation. Upon approval of the plan and cost estimate, the developer or owner shall enter into a landscape agreement with the County to provide plantings as required. The landscape agreement shall be in form and substance as approved by the Office of Planning and Zoning and shall be accompanied by a performance bond or other approved surety executed by the owner or developer in the amount of one hundred (100) percent of proposed plant materials, labor and maintenance costs.
- a.** If all afforestation or reforestation is not completed within two (2) years after the first spring planting date following recordation, or if the requirements set forth in the approved planting plan are not met, the surety shall be forfeited (or if a bond or surety has not been posted, payment in full to the County shall be ordered). The funds so received shall be used by the County to defray the cost of providing the approved Buffer afforestation or reforestation for the site.
  - b.** If the foregoing costs exceed the amount of the deposit bond or other approved surety, the excess shall be paid by the developer.
  - c.** All bonds or other forms of surety shall be in a form acceptable to and approved by the Office of Planning and Zoning.
  - d.** All security posted will be held for a period of two (2) years after installation of the planting, to assure the proper maintenance and growth. Failure to maintain the planting or to replace the dead portions thereof shall result in a forfeiture of the surety posted to the extent necessary to replace the dead plant materials.
  - e.** The Office of Planning and Zoning or its designee may from time to time release those portions of the surety which may be appropriate.

- f. Where existing vegetation is to be used to meet the requirements contained herein, the surety requirement may be modified appropriately. However, to the extent that existing vegetation is or will be inadequate to meet the standards set herein, a planting plan meeting all of the requirements herein must be submitted.
- g. All plantings shall be inspected by County upon notification by the developer or owner, and shall be approved according to the following standards:
  - (1) The planting shall adhere to the approved plan. Substitutions or revisions may be made with the approval of the Office of Planning and Zoning.
  - (2) All plants shall be protected from vehicular encroachment by wheelstops, curbs or other barriers unless distance provides adequate protection.
  - (3) No planting shall result in vegetative growth exceeding thirty-six (36) inches in height, within thirty (30) feet of any street intersection or otherwise obstruct sightlines.

### **Section 203. Amendments in the Critical Area District**

- 1. Amending the Critical Area Boundary, Land Use Management Classifications, Buffer Exemptions, and Exclusion.
  - a. The County Commissioners may from time to time, but not more than four times a year, amend the land use management classification of properties in the Critical Area District, provide for Buffer Modification Areas from all but the requirements of Section 195, or exclude portions of County's Critical Area from the Critical Area District.
  - b. In addition, the County's Commissioners shall complete a comprehensive review and propose any necessary amendments, as required, to the land management classifications, or Critical Area Program at least every six (6) years. The County Commissioners Comprehensive Review to the Critical Area Commission shall be in accordance with Subtitle 18, Subsection 8-1809 (g) of the Critical Area Law.
  - c. All such amendments shall also be approved by the Maryland Chesapeake Bay Critical Area Commission (Critical Area Commission) as established in Subsection 8-1809 of the Critical Area Law, Subtitle 18. The Critical Area Commission process for approval of proposed amendments are as set forth in the Critical Area Law, Subtitle 18, Subsection 8-1809.

(Amended 7/22/2008)

2. Applications for land use management classification or Critical Area Program amendment, Buffer Modification Area or area exclusion shall be processed as any other proposed amendment to this Ordinance and are subject to the Chesapeake Bay Critical Area Commission approval.
3. Requirements for Amendments:
  - a. Land Use Management Classification - When considering a proposed change of land use management classification, i.e., Intensely Developed Area (IDA), Limited Development Area (LDA), or Resource Conservation Area (RCA), the County Commissioners shall not approve amendments unless it is found that there was a mistake in the original classification, or the site will be granted the Growth Allocation (GA) or Special Growth Allocation (SGA) floating zone district classification.
  - b. Buffer Modification Areas (see Section 195) - The County Commissioners may designate an area of the Buffer as a Buffer Modification Area, where the applicant can sufficiently demonstrate that the existing pattern of residential, industrial, commercial, or recreational development in the Critical Area portion of the site as of December 1985 prevents the Buffer from performing its function. At a minimum, in order to grant a Buffer Modification Area, the Commissioners shall find that the following conditions exist:
    - (1) Existing development as of December 1985 has altered the natural state of the site such that it has more than fifty (50) percent impervious surface and less than twenty (20) percent vegetative cover;
    - (2) The Buffer area consists of boulders or inert fill that does not and cannot support vegetative growth; and
    - (3) The Buffer area can support less than fifty (50) percent vegetative cover, such area cannot provide continuous vegetative cover along the Buffer, and stormwater runoff from the adjacent upland is diverted around the area by existing storm drains.

(Amended 7/22/2008)

- c.** Excluding Area From the Critical Area District - The County Commissioners may amend the Critical Area District to exclude an area proposed for development from the provisions of the Article XI, Part I of this Ordinance, subject provided that:

  - (1) Excluded properties or portions of properties must be located at least 1,000 feet from open water;
  - (2) Intervening wetlands and uplands serve to protect tidal water quality and fish and wildlife or plant habitats from adverse impacts of development in the excluded areas.
- d.** Adding land to the Critical Area District

  - (1) The County Commissioners may amend the Critical Area Boundary to add land to the Critical Area District, including land areas for which property owners have requested such an amendment provided that:

    - (a) It is documented that the benefits from the additional resource protection afforded the area exceeds the negative impact of any additional development allowed and that provisions are proposed to ensure the continuance of these benefits.
    - (b) The proposal is supported by competent and material evidence on its benefits for resource protection.
    - (c) The proposal clearly improves resource protection on primarily undeveloped land.
    - (d) The extended area is added as a Resource Conservation Area (RCA), and any proposed development meets all RCA requirements.
    - (e) Five percent of the extended areas that are not tidal wetlands or publicly-owned land can generate growth allocation for the County.
  - (2) Any land or portion added to the Critical Area District under these provisions that has been combined with adjacent Critical Area lands for the purpose of increasing the number of dwelling units that may be

(Amended 7/22/2008)

placed on the adjacent Critical Area parcel may not be subsequently deleted from the Critical Area District.

4. When the County submits a request for review and approval of any changes to any element of the County's Critical Area program, including but not limited to, the zoning ordinance, subdivision regulations, or Critical Area maps, the request shall include all relevant information necessary for the Chairman, and as appropriate the Commission, to evaluate the changes. The Chairman, and as appropriate the Commission, shall determine if the requests for program changes are consistent with the purposes, policies, goals, and provisions of the Critical Area law and of the Commission. In accordance with the determination of consistency as outlined above, the Chairman, or as appropriate, the Commission shall:
  - (a) Approve the proposed program refinement or amendment and notify the local jurisdiction;
  - (b) Deny the proposed program refinement or amendment;
  - (c) Approve the proposed program refinement or amendment subject to one or more conditions; or
  - (d) Return the proposed program refinement or amendment to the local jurisdiction with a list of changes to be made.

#### **Section 204. Growth Allocation Floating Zone Amendments**

1. Zoning Amendment Petitions for the Growth Allocation Floating Zone classification shall be subject to a different set of criteria than those outlined in Section 203. Floating zone requests shall be reviewed under the provisions relating to Growth Allocation unless it qualifies for Project Point Scoring System Exemption and is approved by the Board of County Commissioners for Cecil County and by the Critical Area Commission.
2. The Growth Allocation floating zones are zones that are not mapped but that are designated for use in areas classified as Resource Conservation Areas (RCA) and/or Limited Development Areas (LDA) within the Critical Area District. The purpose of the Growth Allocation floating zone is to permit a change in the land management classification established in the Critical Area District on specific sites so that they may be developed to the extent permitted by the underlying zoning classification or the land use management classification, whichever is more restrictive. Only projects that have been approved by the Board of County Commissioners and the Critical Area Commission for award of the Critical Area Growth Allocation by Special Growth Allocation, by the Project Point Scoring System process, or by a Project Point Scoring System Exemption as described in this ordinance and the Cecil County Critical Area Program are eligible for Growth Allocation floating zones.
3. Designation of Growth Allocation Floating Zones
  - a. The Growth Allocation (GA) district and the Special Growth Allocation (SGA) district shall be floating zones. Both are classified as floating zones to achieve specific purposes.
  - b. The Growth Allocation (GA) district provides for changing the land management classification of Resource Conservation Areas (RCAs) and Limited Development Areas (LDAs) in the Critical Area District. The GA district shall only be permitted on sites or portions of sites that have been awarded reclassification through either:
    - (1) the Growth Allocation Project Point Scoring System process described herein;
    - (2) the Special Growth Allocation process described herein, or;
    - (3) the Project Point Scoring System Exemption as described in Section 212 below.

(Amended 3/20/07 and 7/22/2008)

These are approved land management classification changes, adopted by the Board of County Commissioners, as an amendment to the Cecil County Critical Area Program and Official Maps. Granting of the GA district classification shall further be limited in the sections of this Article set forth below as applicable.

- c. The Special Growth Allocation (SGA) district provides for changing the land management classification of Resource Conservation Areas (RCAs) in the Critical Area District to the Limited Development (LDA) classification. The SGA district shall only be permitted for residential development on sites or portions of sites recommended for approval by the Cecil County Planning Commission and approved by the Cecil County Commissioners. Granting of the SGA district classification shall further be limited in the sections of this Article set forth below.

## **Section 205. Growth Allocation (GA) District**

The following provisions shall apply to the GA district:

- 1. The total number of acres that may be utilized for GA inside the Development, Town, or Suburban Land Use Districts described in the County Comprehensive Plan will be limited to a total of fifty (50) percent of the total GA acreage available. The total number of acres that may be utilized for GA inside the towns of the County will be limited to a total of twenty-eight (28) percent of the total GA acreage available. The balance, or twenty-two (22) percent, may be utilized in any area of the County. However, if the County Commissioners find that, based on the number of projects that exceed the scoring threshold, the awarding of a larger portion of the growth allocation to any single project proposed within the Development, Town, Suburban Land Use Districts described in the Comprehensive Plan, or municipal Town boundaries is warranted, they may utilize any percentage of acreage from the total acres for the GA district award.
  - a. Growth Allocation awarded to the Towns shall follow the following procedure:
    - i. Request for GA from the Towns shall be made to the Office of Planning & Zoning
    - ii. Planning & Zoning shall place the request on the meeting agendas for the Planning Commission and Board of County Commissioners
    - iii. Planning Commission shall review the request and forward a recommendation to the Board of County Commissioners
    - iv. The Board of County Commissioners shall decide whether to grant the request

(Amended 6/3/08)

- b.** Growth Allocation requests from the Towns shall contain the following information:
    - i. Demonstration of consistency with Town's Comprehensive Plan;
    - ii. Existing Critical Area Designation and Requested Designation;
    - iii. Number of acres requested and justification for acreage;
    - iv. Demonstration of consistency with Town's Critical Area regulations;
    - v. Demonstration of minimal impact to sensitive areas and habitats of rare, threatened and endangered species;
    - vi. Maximization of clustering to the extent possible;
    - vii. Concept plat for the proposed development.
- 2.** The County Commissioners may award all or part of the requested Growth Allocation with GA district reclassification. In addition, the County Commissioners may decide not to grant any projects Growth Allocation based on scores received in the Project Point Scoring System when project scores are below the minimum scoring threshold.
- 3.** The total number of acres that may be reclassified to the GA district for a single project in an RCA to IDA conversion will be limited to twenty (20) acres.
- 4.** The total number of acres that may be reclassified to the GA district for a single project in an LDA to IDA conversion will be limited to twenty (20) acres.

(Amended 6/3/08)



5. The total number of acres that may be reclassified to the GA district for a single project in an RCA to LDA conversion will be limited to forty (40) acres.
6. The maximum lot size shall not exceed the minimum individual lot size required by the Cecil County Environmental Health Department.
7. If one-third of a projects building permits for construction have not been obtained within two (2) years of a projects Final approval, the Growth Allocation award shall become null and void. Further, the award shall be recaptured by the County unless an extension is granted by the Board of County Commissioners. Extensions cannot be granted for more than one year at any one time.
8. The forwarding of any particular project to the Critical Area Commission shall be based on the Critical Area law, Critical Area Commission policy guidelines for amendments and the ability of Cecil County to make amendments in a particular calendar year.
9. When locating new Intensely Developed or Limited Development Areas, the County shall use the following guidelines:
  - a. Locate new Intensely Developed Areas in Limited Development Areas or adjacent to existing Intensely Developed areas;
  - b. Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area;
  - c. Locate a new Limited Development Area or an Intensely Developed Area in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality; and
  - d. Locate new Intensely Developed Areas or Limited Development Areas in Resource Conservation Areas at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.
  - e. New Intensely Developed Areas should be located where it will minimize the impacts to the defined land uses of the Resource Conservation Area.

When the County submits a request for the Commission to review and approve the use of growth allocation, the request shall state how the local jurisdiction has applied the preceding guideline. The Commission shall ensure that the guidelines set forth in this section have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area law and all criteria of the Commission.

## **Section 206. Award Process for Growth Allocation**

1. Applications for Growth Allocation must be consistent with the current zoning of the property. No project for Growth Allocation will be accepted which is not consistent with the density permitted in the current base zoning classification. A scoring threshold will be established to screen projects. Only those projects scoring a total score at or above the minimum scoring threshold (90 points) shall be considered for Growth Allocation and granted the Growth Allocation Floating Zone.
2. Technical Advisory Committee (TAC). All applications for GA district classification and Growth Allocation will be reviewed upon submittal at the regularly scheduled Technical Advisory Committee meetings. The decision to recommend reclassifying a site to the GA district and to award Growth Allocation will be based on a project point scoring system found in Section 207 and 208 below.
3. Planning Commission. A point scoring recommendation shall be received by the Planning Commission regarding each application for GA from the developer and the Office of Planning and Zoning. Points will be assigned by the Planning staff, and by the Planning Commission at their regular meeting, or at a special meeting (if in their opinion it is deemed necessary). The decision to recommend reclassifying a site to the GA district and to award Growth Allocation will be based on the Cecil County Comprehensive Plan, the Cecil County Critical Area Program and on a project point scoring system found in Section 207 and 208 below.
4. County Commissioners. A point scoring recommendation shall be received by the Board of County Commissioners regarding all applications for Growth Allocation from the developer. The Planning Commission and the Office of Planning and Zoning shall

(Amended 3/20/07 and 7/22/2008)

forward their recommendations for the Board of County Commissioner's consideration. A decision of approval, disapproval, tabling or conditional approval shall be made at their regular meeting, or at a special meeting (if in their opinion it is deemed necessary). The decision to reclassify a site to the GA district and to award Growth Allocation will be based on the Cecil County Comprehensive Plan, the Cecil County Critical Area Program, and the Growth Allocation process established in this Ordinance.

5. Critical Area Commission. A conditional decision shall be received by the Critical Area Commission from the Board of County Commissioners regarding the Growth Allocation application. A decision of approval, disapproval, tabling or conditional approval shall be made at their regular meeting, or at a special meeting (if in their opinion it is deemed necessary). A final decision regarding the Growth Allocation application shall be made by the County Commissioners.

#### **Section 207. Project Point Scoring System Thresholds**

1. Points will be awarded to projects based on the following scoring system. The award of points is contingent upon the proposal including the required performance standards listed below. These points were developed to ensure development design which maximizes habitat protection, enhances water quality, minimizes disturbance to the natural environment and fulfills objectives of the Chesapeake Bay Critical Area Act's Criteria. Applications for GA must receive at least 90 points (minimum scoring threshold) to be considered for an award of GA and reclassification.
2. The following general provisions shall apply to all submittals for award for Growth Allocation:
  - (a) For residential development, the maximum lot size permitted in a RCA conversion is the minimum lot size permitted on the site by the Environmental Health Department Regulations.
  - (b) In a RCA to LDA conversion, higher points will be awarded for having a sixty (60) percent open space ratio. This will allow the majority of the site to continue to provide the benefits of RCA, since it will be dominated by agriculture, wetlands, forest, barren land, surface water, or open space and protective land uses. The impact of the Growth Allocation conversion will be less than if a smaller open space ratio is achieved. Tidal wetlands, reforested areas, and Buffer extensions may be counted in the sixty (60) percent open space ratio provided that at least three-quarters of the open space is upland

(Amended 7/22/2008)

.

- (c) In a RCA or LDA to IDA conversion, higher points will be awarded for providing a thirty (30) percent open space ratio if evidence is included that the site continues to exhibit the characteristics of a LDA, i.e., containing areas of natural plant and animal habitats, and that the quality of runoff is not substantially altered or impaired. If these conditions can be demonstrated, it is assumed that the impact of the Growth Allocation conversion is less than if a smaller open space ratio is achieved. Tidal wetlands, reforested areas, and Buffer extensions may be counted in the 30 percent open space ratio, provided that at least three-quarters of the open space is upland areas.
- (d) All proposed projects located adjacent to a municipality will be scored in the same manner as all other projects, except that such projects may be designed to the development codes of the adjacent municipality (including the municipality's Critical Area Program) if it is to be annexed. In addition, projects endorsed by a municipality will be awarded special bonus points, provided the entire proposed development site is to be annexed into the municipality. Such projects shall be incorporated into the municipality within one (1) year of approval or the Growth Allocation is subject to reevaluation.
- (e) In an RCA to LDA conversion, which involves land only in the Critical Area, calculation of the maximum permitted density will be based on Critical Area acreage. The maximum permitted density within the Critical Area portion of the site may not exceed the base zone density for the Critical Area portion of the site or 3.99 units per acre, whichever is less.
- (f) In an RCA to LDA conversion, where non-Critical Area portions of a site are included in the development, the maximum permitted density may not exceed the base zoning density calculated for the entire site, or 3.99 units per acre as calculated based on the size of the Critical Area portion of the site, whichever is less.
- (g) In a RCA or LDA conversion to IDA, the permitted maximum density or intensity shall not exceed that permitted by the base zoning.
- (h) Large Lot Residential is defined as lot size in excess of the minimum required by the Cecil County Environmental Health Department.
- (i) A development pad (permitted area of disturbance) is defined as the area of a lot devoted to structures, drives and parking areas, and any necessary grading.
- (j) In projects that include water-dependent facilities, locating such facilities in the Buffer will not be reason for denying Buffer points, if a Buffer is provided on portions of the site that are not required for locating such facilities. In such

cases, Buffer points for water-dependent facilities will be awarded as set forth below, provided non-water dependent facilities are not located in the Buffer.

- (k) Parcels having already utilized the Special Growth Allocation are not eligible for this contest.
- (l) Community sewer facilities shall be required for conversion to IDA. If a community sewer facility is not present or not proposed as part of the development, conversion to IDA shall not be permitted.

## **Section 208. Point Criteria and Values**

The Minimum Scoring Threshold shall be 90 points. Points shall be assigned in the following categories:

1. Development Type (maximum possible points = 40)
  - a. Clustering. Where dwelling units are concentrated in a selected area of the development tract so as to provide natural habitat or other open space uses on the remainder of at least 60 percent, at least three quarters of the open space shall be upland. Points = 15
  - b. Conversion of RCA to LDA
    - (1) In a conversion of RCA to LDA where a 60 percent open space ratio is maintained throughout the entire Critical Area portion of the site only. Points = 12, and  
  
If this open space is linked to other permanently established open space, publicly or privately held, or maintains contiguity among forested areas, bonus points shall be awarded. An additional 3 Points
    - (2) Where a 60 percent open space ratio is maintained throughout the entire site, and where open space outside the Critical Area portion of the site is a minimum of 20 acres. Points = 22, and  
  
If this open space is linked to other permanently established open space, publicly or privately held, or maintains contiguity among forested areas, bonus points shall be awarded. An additional 3 Points
  - c. Conversion of RCA and LDA to IDA
    - (1) Where a 30 percent open space ratio is maintained throughout the entire Critical Area portion of the site only. Points = 12, and

If this open space is linked to other permanently established open space, publicly or privately held, or maintains contiguity among forested areas, bonus points shall be awarded. An additional 3 Points

- (2) Where a 30 percent open space ratio is maintained throughout the entire site, and where open space outside the Critical Area portion of the site is a minimum of 20 acres. Points = 22, and

If this open space is linked to other permanently established open space, publicly or privately held, or maintains contiguity among forested areas, bonus points shall be awarded. An additional 3 Points

**2. Buffer Enhancement (maximum possible points = 20)**

- a.** Points shall be awarded for additional Buffer enhancement that occurs as outlined in the following Table 1 and criteria below.

Table 1

<u>Minimum Depth of Buffer</u>	<u>Points</u>
Required*	0
Required* plus 50 feet	4
Required* plus 100 feet	6
Required* plus 150 feet	7
Required* plus 200 feet	9

- \* Required = 110 feet plus any expansion required by location of the Buffer adjacent to sensitive areas as specified in Section 196.

- b.** Points shall be awarded for additional Buffer enhancement by afforestation that occurs as outlined in the Table 2, and criteria below.

Table 2

<u>Portion of Buffer afforested by Applicant</u>					<u>Depth of Buffer</u>
	<u>25%</u>	<u>50%</u>	<u>75%</u>	<u>100%</u>	
Points	1	2	3	4	Required (as above)
Points	2	3	4	5	Required + 200'

- c.** Where a 50-foot forested buffer, which remains in open space, is established along all drainageways on the site. Points = 4, or

- d.** Where a 50-foot forested buffer, which remains in open space, is established along all drainageways on the site, including those portions of the site located outside the Critical Area. Points = 6
- 3.** Location of Development (maximum possible points = 15)
  - a.** Conversion of RCA or LDA to new IDA which is located adjacent to existing LDA or adjacent to existing IDA. Points = 10, or
  - b.** Conversion of RCA to new LDA which is located adjacent to existing LDA or adjacent to existing IDA. Points = 10, and
  - c.** All proposed projects that are located adjacent to a municipality will be evaluated and scored in the same manner as all other projects, except that such projects may be designed based on development codes of the adjacent municipality, including that municipality's Critical Area Program, if it's intended to be annexed. If the project is endorsed by the municipality, said endorsement shall consist of a letter from and signed by the municipal officials. Endorsement of the project by the municipality and assurance that the entire proposed development site is to be annexed into the adjacent municipality will ensure points are provided. A condition of approval for such projects will be that the site must be incorporated into the adjacent municipality within one year of approval or the GA is subject to re-evaluation and/or recapture. Points = 5
- 4.** Forest and Woodland Protection (maximum possible points = 10)
  - a.** If 40 percent or more of the Critical Area portion of the site is wooded, and less than 15 percent of the existing forest and woodlands are cleared. Points = 1
  - b.** If 40 percent or more of the Critical Area portion of the site is wooded, and less than 10 percent of the existing forest and woodlands are cleared. Points = 4

- c. Where forest cover exclusive of Buffer Area and existing forest is increased as follows:

<u>Afforestation</u>	<u>Area of Forest Cover increased by:</u>		
	<u>30%</u>	<u>50%</u>	<u>70%</u>
In Critical Area portion of site (Points =)	3	4	5
Entire site above any Afforestation required by Forest Conservation Regulations, and is 5 acres or more (Points =)	4	5	6

**5. Habitat Protection (maximum possible points = 10)**

- a. Where a disturbance, of palustrine, non-tidal wetlands or hydrologic regime of non-tidal wetland, mitigation notwithstanding, is avoided and a minimum buffer provided. Points = 1
- b. Where permanent environmental easements on existing plant, wildlife and related habitat enhancement areas are donated. Points = 4
- c. Where the following existing Habitat Protection Areas are not present on, or adjacent to, the site: rare, threatened and endangered species, Natural Heritage Areas, and colonial waterbird nesting areas. Points = 2
- d. If the developed portion of the site is located the maximum distance possible from a habitat protection area minimum setback. Points = 2
- e. If measures are implemented which enhance the Habitat Protection Areas in the area of the site as recommended by the Cecil County Planning Commission and the Maryland Fish, Heritage and Wildlife Program. Points = 4
- f. If the project proposes implementation of a forest management program which is designed to protect the habitat values of existing and newly created riparian forests and large forested areas (if the site includes 5 acres or more outside of the Critical Area), and this program is prepared in conjunction with the Cecil County Planning Department and the Maryland Forest, Park and Wildlife Service. Points = 1

**6. Water Quality (maximum possible points = 8)**

- a.** RCA to LDA conversion: For impervious surfaces less than 15 percent, points may be assigned as follows:

<u>Impervious surface</u>	<u>Points</u>
15% or less	0
14% or less	1
12% or less	2
10% or less	5
8% or less	8

- b.** LDA and RCA conversion to IDA: For impervious surfaces less than 70 percent, points assigned as follows:

<u>Impervious surface</u>	<u>Points</u>
70% or less	0
60% or less	1
50% or less	2
40% or less	5
30% or less	8

**7. Resource Utilization (maximum possible points = 6)**

- a.** Where agriculture or silviculture is continued on the open space portions of the site in the Critical Area and Best Management Practices are used. Points = 3, or
- b.** Where agriculture or silviculture is continued on the open space portions of the entire site, where the site includes at least 20 acres in agriculture outside the Critical Area and Best Management Practices are used. Points = 6

**8. Erosion Control (maximum possible points = 3)**

- a.** Where shore erosion protection measures are installed on 50 percent of the remaining shoreline where needed, and use of non-structural shore erosion controls where feasible. Points = 2, or
- b.** Where shore erosion protection measures are installed on 100 percent of the remaining shoreline, and use of non-structural shore erosion controls where feasible. Points = 3



9. Water-Dependent Facilities (maximum possible points = 3)
  - a. Where community piers are provided. Points = 3, or
  - b. Where shared piers by less than 3 property owners are provided. Points = 1
10. Bonus points, as follows, may be granted if all conditions of the points are fulfilled:
  - a. Where a proposed development includes community sewer facilities and the developer is able to expand the system to serve existing developed areas of failing septic systems, thereby correcting a documented existing water quality problem. The award of these points will be based on the feasibility of servicing adjacent areas as determined in consultation with the Health Department and the Department of Public Works. Actual points awarded will vary depending on the number of units served, the severity of the problem and other factors relating to feasibility. A general guideline will be that the correction of all failing septic systems in adjacent areas will earn maximum points. Maximum Bonus Point Value = 30
  - b. Where a proposed development project provides free public access to the shoreline in perpetuity. Bonus Points = 10
  - c. Where a natural park is designated and approved by the Cecil County Planning Commission, and, provisions are made to permit limited access to the natural park for education purposes (e.g., periodically permitting the local school system to conduct field trips to the park), points will be credited. To receive these points, a natural park management plan and program must be developed and include the recommendations of the Maryland Forest, Park and Wildlife Service. Bonus Points = 10
  - d. Placing all remaining viable agricultural lands in the open space portion of the site in a Maryland Agricultural Preservation Program Easement or other program permanently preserving the property from disturbance. Bonus Points = 15

#### **Section 209. Submission Requirements**

1. Subdivision plans, and site plans,(Concept, Preliminary, Preliminary-Final, and Final), shall be prepared and submitted as per the applicable requirements of this ordinance the Subdivision Regulations, the Critical Area Program and Office of Planning and Zoning policy.
2. Requests for Growth Allocation and GA floating zone classification and all required items for submission (as described in 1. above) shall be submitted to the Office of

Planning and Zoning as outlined in the Cecil County Subdivision Regulations and Appendix A of this Ordinance.

3. The Office of Planning and Zoning shall review the submittal for completeness. The Office of Planning and Zoning shall solicit comments from other departments, agencies (i.e., the Technical Advisory Committee), and any Officials that the Office of Planning and Zoning may deem appropriate. Incomplete submissions will be returned with comments within (30) days of submission.

#### **Section 210. Procedure for Review of GA District Applications**

1. All grants of the floating zone district by the County Commissioners shall meet the same procedural requirements as amendments to the Critical Area District contained in Section 203.
2. Development projects submitted for GA district classification and Growth Allocation under the point award system shall be processed as follows:
  - a. Concept Review
    - (1) All Concept Plats and Concept Site Plan applications will be reviewed upon submittal and placed on the regular agenda for TAC. The developer shall initially submit a Concept Plat or Concept Site Plan (as required) containing a statement of Concept Scoring assigning points toward the applicable categories and point values the developer believes should be awarded to the proposed project, along with a delineation of the area to be reclassified to the GA district. The Technical Advisory Committee (TAC) will review the Concept Plan or Concept Site Plan and provide comments to the developer. The Planning staff shall indicate the Concept Scoring of the project and provide their scores and recommendation to the developer at the TAC meeting.
    - (2) The Planning Commission shall meet on the Concept Plat or Concept Site Plan submittal at their regular meeting, review the developers Concept scoring, the Planning Staff Concept scoring and score the Concept themselves. They then shall choose to recommend approval, disapproval, conditional approval, tabling, or a continuance to the next regular meeting or determine if a special meeting is necessary.
    - (3) The decision to recommend an award of Growth Allocation and reclassification of the site to a GA district will be based on a project point system and the score the particular submittal receives. Projects above the Minimum Tier Scoring Threshold whose design maximizes habitat protection, the enhancement of the water quality objectives of

the Cecil County Critical Area Program and a high quality site design shall be recommended the award of Growth Allocation.

- (4)** The Planning staff will review and score the proposed development project and submit its final scoring recommendations to the Planning Commission.
- (5)** The Planning Commission shall hold a public hearing on all submissions which shall include the following:
  - (a)** Presentation of projects by the developers;
  - (b)** Staff review comments and scoring; and
  - (c)** Public comments.
- (6)** The condition of approval received by a particular project shall contain at least the condition that the Critical Area Commission shall recommend approval of the project and the Board of County Commissioners shall grant Growth Allocation and the Floating Zone amendments.

**b. Preliminary Plan Review**

- (1)** If Concept Plat or Concept Site Plan approval or conceptual approval is received, the developer shall submit the revised (as required) Preliminary Plat or Preliminary Site Plan again to the Technical Advisory Committee (TAC) containing a statement of Preliminary Scoring assigning points toward the applicable categories and point values the developer believes should be awarded to the proposed project, along with a delineation of the area to be reclassified to the GA district. The Technical Advisory Committee (TAC) will review the Preliminary Plan or Preliminary Site Plan and provide comments to the developer. The Planning staff shall indicate the Preliminary Scoring of the project and provide their scores and recommendation to the developer at the TAC meeting.
- (2)** The Planning Commission shall hold a public hearing on all submissions which shall include the following:
  - (a)** Presentation of projects by the developers;
  - (b)** Staff review comments and scoring; and

(Amended 7/22/2008)

(c) Public comments.

- (3) The Planning Commission will then score each proposed development project. The projects that meet the Minimum Scoring Threshold at the Preliminary level will be forwarded with a recommendation of conditional approval to the Board of County Commissioners with the Developers, the Planning Staff, and Planning Commission's scores and recommendations.
- (4) The Board of County Commissioners shall then hold a public hearing on the submittal unless the developer withdraws the application. The Board shall review the developers scoring, the Planning Staff scoring and the Planning Commissions scoring and recommendations. They then shall choose to recommend conditional approval, disapproval, tabling, or a continuance at the next meeting or a special meeting. Projects above the Minimum Scoring Threshold whose design maximizes habitat protection and the enhancement of the water quality objectives of the Cecil County Critical Area Program, and a high quality site design shall be awarded Growth Allocation.
- (5) The County Commissioners will forward the proposed amendment(s) of the County Critical Area Program Map (Official Critical Area Maps) and the Preliminary submittal and scoring and conditional assignment of the Growth Allocation (GA) District classification, i.e., projects which received conditional Preliminary approval, to the Critical Area Commission for approval. A final decision regarding the Critical Area Growth Allocation shall be made by the County Commissioners.

c. Final Approval

- (1) If approval is received from the Critical Area Commission regarding a project, the submittals shall proceed through normal approval channels as outlined in this ordinance, the Critical Area Program, and the Cecil County Subdivision Regulations for Final Plat or Site Plan approval.
- (2) Successful projects granted the GA district classification will be submitted for final site plan or final subdivision approval as per requirements of the Zoning and/or Subdivision Regulations.
- (3) The Official Critical Area Map(s) will be amended to reflect the new GA district classification along with a notation of the new land management classification when Final Approval is received.

(Amended 7/22/2008)

## **Section 211. Special Growth Allocation District (SGA)**

### **1. Limitations on Approving the SGA District**

- a.** The SGA district is limited to the Resource Conservation Areas of the Cecil County Critical Area and may only be used for residential development purposes.
- b.** The County will be limited in the total amount of Growth Allocation which may be permitted under this provision to twenty-two percent of the total growth allocation.

### **2. Criteria for Granting the SGA district classification**

The SGA district classification may not be granted unless:

- a.** The number of additional lots is limited as shown in the following Table:

Table Maximum Additional Lots

<u>Critical Area (Acres)</u>	<u>Maximum Number of Additional Lots</u>
Up to 5	0
5 to less than 30	2
30 to less than 100	4*

- \*** The total number of lots permitted in the development of the Critical Area portion of the site will not exceed 5 lots.

- b.** The maximum lot size shall not exceed the minimum individual lot size required by the Cecil County Health Department.
- c.** The permitted development pad size (permitted area of disturbance) does not exceed 20,000 square feet and provided the remaining lot area remains in natural vegetation under a restrictive conservation easement;
- d.** Full compliance with all other requirements of the Cecil County Critical Area Program for the entire site, including provisions relating to habitat protection and the removal of forest cover for building sites;
- e.** The subdivision complies with all applicable requirements of the Cecil County Subdivision Regulations and this ordinance;

- f. The applicant demonstrates that a Soil Conservation and Water Quality Plan will be prepared and implemented on all portions of the site which remain in agricultural use, and at a minimum, a cooperators agreement shall be entered into by the landowner;
  - g. The applicant has prepared a Forest Management Plan for those portions of the site which remain in forest cover; and
  - h. The applicant has taken active steps to protect and improve plant and wildlife habitat on the entire site being subdivided.
3. All grants of Special Growth Allocation (SGA) floating zone district by the County Commissioners shall meet the same procedural requirements as amendments to the Critical Area District contained in Section 203.

#### **Section 212. Project Point Scoring System Exemptions of Growth Allocation**

1. To further promote the goals and objectives of the Comprehensive Plan of 1990, certain parcels, sites, or portions of parcels or sites shall be exempted from the County Growth Allocation Point Scoring System to receive Growth Allocation Floating Zones as required above provided:
- a. The proposed use is Commercial, Institutional, Industrial or Recreational and the parcel is located in the "Development District" of the Comprehensive Plan of 1990;
  - b. The granting of growth allocation would change the land management classification from Limited Development Area (LDA) to Intensely Developed Area (IDA) only; and,
  - c. All other requirements of this Ordinance, the Cecil County Chesapeake Bay Critical Area Program, COMAR 8-1801-1, and the "Chesapeake Bay Critical Area Criteria" are met.

#### **Section 213. Procedure for the Granting of Growth Allocation Floating Zones to Project Point Scoring System Exemptions**

1. An application for the granting of Project Point Scoring System Exemption shall be processed as any other proposed amendment to this ordinance, shall follow the procedure outlined in this subsection, and is subject to the approval as a "Program Refinement" of the Cecil County Critical Area Program by the Critical Area Commission.

(Amended 7/22/2008)

2. The application shall be in the form of a Sketch Plat detailing all Habitat Protection Areas and all other information as described in Appendix A of this Ordinance.
3. The Sketch Plat shall be reviewed by the Technical Advisory Committee for comments prior to review of the application by the Planning Commission, Board of County Commissioners for Cecil County and the Critical Area Commission and Growth Allocation will be assigned and deducted from the County's reserve.
4. If the application for a Project Point Scoring System Exemption for a Growth Allocation Floating Zone is approved by the Board of County Commissioners for Cecil County and the Chesapeake Bay Critical Area Commission, the applicant shall submit a major site plan to the Office of Planning and Zoning for review in accordance with Section 291 of this Ordinance.
5. Project Point Scoring System Exemptions for Growth Allocation Floating Zones shall not proceed with any on site work, grading or construction until the major site plan is approved by the Office of Planning and Zoning.
6. A major site plan approved with the use of the Project Point Scoring System Exemptions for a Growth Allocation Floating Zone shall be valid for a period of two (2) years unless construction has begun. If work has not begun, as determined by the Cecil County Office of Planning and Zoning, all approvals shall be null and void and the Growth Allocation may be subject to recapture. There shall be no extension of major site plan approvals that use Project Point Scoring System Exemptions for creating a Growth Allocation Floating Zone.

#### **Section 214. Penalties**

1. In addition to any other penalty applicable under State or County law, a person who violates a provision of Natural Resources Article, Title 8 Subtitle 18, the Critical Area Criteria, or the County's Critical Area Program, Ordinance, or Regulations is subject to a fine not exceeding \$10,000.
2. In determining the amount of penalty to be assessed under paragraph 1, the County may consider the following:
  - a. The gravity of the violation;
  - b. Any willingness or negligence involved in the violation;
  - c. The environmental impact of the violation;
  - d. Plus costs of inspections and monitoring.

#### **Section 215. Reserved**

(Amended 11/16/04 and 7/22/2008)

## **Part II Mineral Extraction District B - MEB**

### **Section 216. Purpose**

The purpose of the MEB overlay district is to identify areas of the County where mineral extraction may occur by Special Exception.

### **Section 217. Applicability**

1. The MEB overlay designation shall only apply to those areas designated as Mineral Extraction District on the Land Use Plan of the 1990 Cecil County Comprehensive Plan.
2. It is intended that this overlay designation apply to those portions of the Mineral Extraction District where there is a potential for conflict between adjacent current and future land uses and the mineral extraction activity.

### **Section 218. Permitted Uses, Lot, Yard and Height Requirements**

1. Permitted uses, uses permitted with site plan approval, uses permitted under certain conditions, uses permitted by special exception and uses permitted by special exception under certain conditions in the MEB District shall be those as specified for the underlying zone.
2. Lot, yard and height requirements for uses other than mineral extraction shall be those as specified in the underlying zone.

### **Section 219. Review Requirements and Conditions**

Mineral extraction activities shall only be permitted in the MEB overlay zone as a Special Exception when the use can meet review requirements and conditions as listed in Section 67.

### **Section 220. Mineral Extraction in the Chesapeake Bay Critical Area**

Mineral Extraction shall only be permitted in the MEB/Critical Area District as a Special Exception when the use can meet review requirements and conditions as listed in Section 67.

### **Section 221. State and County Coordination**

1. It is the intent of these regulations not to duplicate the review of certain aspects of surface mining applications between state and county agencies. Therefore, the environmental impacts of the proposed surface mining activity, such as effects on ground and surface water, effects on wetlands, and proper post-excavation stabilization shall be reviewed by the applicable state agencies.



2. The issues in 1 above may be considered by the Board of Appeals to review whether or not the environmental impacts of the proposed mineral extraction operation in a particular location are either more or less detrimental than that same mineral extraction operation any where else in the MEB district.

**Section 222. Reserved**

**Section 223. Reserved**

## **Part III      Floodplain District**

### **Section 224. Purpose and General Provisions**

1. The purposes of this Part are to protect human life and health, minimize property damage, encourage appropriate construction practices to minimize future damage, protect individuals from unwittingly buying land subject to flood hazards, and to protect water supply, sanitary sewage disposal, and natural drainage. The prevention of unwise development in areas subject to flooding will reduce financial burdens to the community and the State, and will prevent future displacement and suffering of its residents. This protection is achieved through the review of all activities proposed within identified floodplain and by the issuance of permits for those activities that comply with the objectives of this Ordinance.
2. Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwater, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplain are kept in their natural state. Wherever possible, the natural characteristics of floodplain and their associated wetlands and water bodies should be preserved and enhanced.
3. The Floodplain District provides a unified, comprehensive approach to floodplain management which addresses these natural floodplain functions and the Federal and State programs concerned with floodplain management. These programs are: the National Flood Insurance Program (44 CRF 59-79); the State's Waterway Construction Permit Program for non-tidal floodplain; the State's Tidal and Non-tidal Wetlands Permit Programs; the U. S. Army Corps of Engineers' Section 10 and 404 Permit Programs; and the State's Coastal Zone Management Program. Decisions to alter floodplain, especially floodway and stream channels, should be the result of careful planning processes which evaluate resource conditions and human needs.

### **Section 225. Abrogation and Greater Restrictions**

This Part supersedes any Ordinance in effect in floodprone areas. However, any other Ordinance shall remain in full force to the extent that its provisions are more restrictive.

### **Section 226. Applicability**

Any person or entity proposing to do any development within the floodplain zone regulated by this Part must first obtain a permit for that development and must comply with all provisions of this Ordinance.

## **Section 227. Partial Invalidity and Severability**

If any part of this Part is declared invalid, the remainder of the Part shall not be affected and shall remain in force.

## **Section 228. Disclaimer of Liability**

1. The degree of flood protection provided by this Part is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Floods of greater magnitude may occur or flood heights may be increased by man-made or natural causes. This Part does not imply that flooding will not occur outside of the delineated floodplain zone, nor that permitted development and land uses within the floodplain will be free of flooding and associated flood damage.
2. This Part does not create liability on the part of the County, any officer or employee thereof for any damage which may result from reliance on this Ordinance.

## **Section 229. Definitions**

In addition to the definitions in Article II, the following definitions pertain specifically to the Flood District:

*Basement.* An enclosed area which is below grade on all four sides.

*Breakaway Wall* - a wall that is not part of the structural support of a building and is intended to collapse under specific lateral loading forces without causing damage to the supporting foundation system of the building.

*Elevation Certificate* - form supplied by the Federal Emergency Management Agency (FEMA) to certify as-built elevations of structures above mean sea level (NGVD).

*Flood Insurance Rate Map (FIRM)* - map which depicts the minimum special flood hazard area to be regulated by this Part (unless a Floodway Map is available).

*Floodproofing Certificate* - form supplied by FEMA to certify that a building has been designed and constructed to be structurally dry floodproofed to the Flood Protection Elevation.

*Flood Protection Elevation (FPE)* - the elevation of the base flood plus one foot freeboard.

*Floodway* - the channel and adjacent land area required to discharge the waters of the 100-year flood of a watercourse without increasing the water surface elevations more than a specified height.

*Floodway Map* - map which depicts floodway and special flood hazard areas to be regulated by this Ordinance.

*Floodway Fringe* - that portion of the floodplain outside the floodway.

*Freeboard* - an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.

*Lowest Floor* - the lowest floor of the lowest enclosed area, including basement. An unfinished enclosure constructed of flood resistant materials used solely for parking of vehicles, storage, or building access in an area other than a basement is not the lowest floor, as long as it is supplied with water equalizing vents.

*NGVD* - National Geodetic Vertical Datum of 1929 elevation reference points set by the National Geodetic Survey based on mean sea level.

*New Construction* - a structure for which the start of construction commenced on or after the effective date of the adoption of a Floodplain Management Ordinance, and includes any subsequent improvements.

*Start of Construction* - the date of issue of the building permit for any development, including new construction and substantial improvements, provided that the actual start of the construction or improvement was within 180 days of permit issuance. The actual start of construction is the placement of slab or footings, piles, columns, or actual placement of a manufactured home. For substantial improvement, the start of construction is the first alteration of any structural part of the building.

*Structure* - a walled and roofed building, including, but not limited to, manufactured homes, gas and liquid storage tanks, garages, barns, and sheds.

*Substantial Damage* - damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50% of the market value of the structure before the damage occurred.

*Substantial Improvement* - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure (less land value) either: (a) before the improvement or repair is started; or (b) if the structure has incurred substantial damage and been restored, before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences. The minimum repairs needed to correct previously identified violations of local health, safety, or sanitary codes, and alterations to historic structures which do not preclude their continued designation as historic structures are not considered substantial improvements.

*Temporary Structure* - any structure to be completely removed within 180 days from issuance of the permit.

*Variance* - the grant of relief from a term or terms of this Ordinance.

*Wetland* - any land which is: (1) considered private wetland or State wetland pursuant to Title 9, Wetland and Riparian Rights, Natural Resources Article, Annotated Code of Maryland; or (2) defined as wetland under the procedures described in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" by the Federal Interagency Committee for Wetland Delineation, 1989, as amended.

### **Section 230. Permit Procedures**

1. A permit is required for all development in any Floodplain Zone except where exempt as described in 2 and 3 below, they will however be required to submit plans described below. It shall be granted only after all necessary permit applications are submitted to Federal and State agencies. A permit issued by the Zoning Administrator under this Part is not valid until all necessary permits for development are obtained. Receipt of Federal or State permits does not exempt development from the provisions of this Part.
2. Accessory structures that are less than 300 square feet are exempted provided a "non-conversion agreement" is filed with the Office of Planning and Zoning.
3. Accessory structures and garages between 300 and 600 square feet are considered "conditioned permits" and should meet the requirements outlined in Section 234.
4. Applications for a Permit shall contain, at a minimum, the following information:
  - a. Name, address, and phone number of applicant (owner or agent of owner);
  - b. Name, address, and phone number of owner, if different;
  - c. Name, address, and phone number of contractor;
  - d. Tax map number and parcel number;
  - e. Proposed uses for the site;
  - f. Type, dimensions, and estimated cost of development proposed;
  - g. Site characteristics and improvements; and
  - h. Other information deemed appropriate by the Zoning Administrator.

5. All permit applications must have a site plan drawn to scale which shows:
  - a. dimensions of site;
  - b. size and location of existing and proposed structures or alterations;
  - c. setbacks;
  - d. elevation contours in mean sea level (NGVD);
  - e. delineation of the 100-year flood elevation and boundary; interpolation is satisfactory;
  - f. proposed elevation of the lowest floor and method of elevation, if applicable.
6. The Zoning Administrator may require plans for tree maintenance, stormwater management, revegetation, establishment of vegetated buffers, and final grading as part of the permit application process.
7. All applicants shall agree in writing to provide an Elevation Certificate completed by a registered professional engineer or surveyor to certify the as-built lowest floor of a structure which must be elevated to or above the Flood Protection Elevation. An Elevation Certificate must be submitted before a Certificate of Occupancy or Use may be issued. Work undertaken prior to submission of the certification is at the applicant's risk. For enclosed areas below the Flood Protection Elevation a Nonconversion Agreement may be required, in addition to an agreement to install water equalizing vents as specified in Section 243 of this Ordinance.
8. If an improvement to an existing structure is proposed, adequate information on the cost of the improvement and the market value of structure before the improvement must be supplied to the Zoning Administrator to allow a determination of substantial improvement. The Zoning Administrator may use tax assessment records to determine substantial improvement. In floodway permits shall be tracked by property location to determine if the cumulative value of improvements constitutes substantial improvement of a structure.

### **Section 231. Subdivision Proposals**

1. In addition to the information required in Section 230, an applicant for subdivision in the non-tidal floodplain zone shall submit a plan to demonstrate that a building site for each lot is outside of the 100-year floodplain. The Zoning Administrator shall be assured that a plan for the perpetual protection of the floodplain areas in their natural state as required under Section 241.2.d is included.

2. Subdivision plans for the tidal floodplain zone shall be reviewed to assure that the provisions of Section 241.2.d are met, especially with regard to avoiding wetlands, low areas, and existing forest cover.
3. In all floodplain subdivisions, plans for maintenance of forest cover, revegetation, accommodation of stormwater runoff, prevention of erosion, and other plans required by this Ordinance must be submitted with subdivision proposals. The plans shall be evaluated as a whole to achieve maximum preservation of the natural and beneficial floodplain functions, desirable resources, and characteristics of each site. The plan for utility ingress, stormwater drainage structures, road access, and other rights of way shall be evaluated in light of the site characteristics.

### **Section 232. Issuance of Permit**

1. Prior to issuance of a permit, the Zoning Administrator shall determine the location of the project relative to floodway or floodplain and shall note on the permit the proper elevation to which the lowest floor of proposed structures must be elevated. In approximate floodplain where an elevation is not available, the applicant shall be required to obtain such elevation. The applicant must agree to secure all other required permits, an Elevation Certificate, Floodproofing Certificate, engineering analysis, or other required verifications deemed appropriate by the Zoning Administrator.
2. Permits shall be granted by the Zoning Administrator only after determining that the proposed development will be in complete conformance with the requirements of this Part and all other applicable local codes and ordinances. All other necessary permits or approvals must be applied for or granted. Permits are valid only after all other necessary permits are granted.
3. Dam Safety. Caution should be exercised when approving development downstream of existing or proposed dams. The condition of the dam, as well as the design criteria, hazard class, and the danger reach, should be investigated to avoid increasing potential hazards. Dams must meet design criteria based on the potential impacts downstream of the dam. Downstream development within the dam break flood wave shall be denied unless the dam meets the design standards for a high hazard dam.
4. After issuance of a permit, no changes of any kind shall be made to the application, permit, or any of the plans, use specifications, or other documents submitted with the application without the written approval of the Zoning Administrator. A copy of the permit or other verification must be displayed at the construction site during construction activity.
5. Work on the permitted activity shall begin within 180 days of the issuance of the permit, or the permit shall expire, unless a written extension is granted by the Zoning

Administrator. Work shall be completed within one year of the date of the permit unless a greater time is specified in the permit or a written extension is granted.

6. During construction, the Zoning Administrator or an authorized representative shall inspect the site to determine that the work is in compliance with the permit.
7. Any work found to be not in compliance must be corrected before any additional work is undertaken.

### **Section 233. Record of Permits**

1. The Zoning Administrator shall maintain a record of all floodplain permits which record shall be available upon request by the Federal Emergency Management Agency or its authorized agent (Water Resources Administration) during periodic assessments of this County's participation in the National Flood Insurance Program. All documents needed to support any permit action, such as Elevation Certificates, map amendments or revisions, variance actions, shall be maintained.

### **Section 234. Conditioned Permits For Accessory Structures and Garages**

1. A conditioned permit may be issued at the discretion of the Zoning Administrator when the 300 square foot exemption is exceeded for accessory structures up to a total size of 600 square feet. In order to qualify, the structure's use must be incidental to the primary structure, and it can be used only for limited storage and parking of vehicles. The other provisions of this section must be met.
2. A conditioned permit is subject to the applicant's completion of a Nonconversion Agreement stating that the use of the accessory structure may not change from that permitted. A statement of the greater flood risk and possibly higher flood insurance premiums must be included.
3. In addition, a recordation on the deed or Memorandum of Land Restriction must be made as described in Section 244.2.c stating that the permitted structure may not be used for human habitation without first complying with the construction requirements of this Part and must be equipped with the proper water equalizing vents.

### **Section 235. Fees**

A fee may be charged at the time of application. These fees shall be established by the Board of County Commissioners for Cecil County, and are subject to amendment from time to time.



### **Section 236. Penalties**

1. A person who does not comply with the conditions of a permit issued pursuant to the provisions of this Part is guilty of a misdemeanor and subject to penalties as outlined in Article XIX. Each day a violation continues is a separate offense. A fine may be imposed for the violation, but does not excuse the violation. The violation must be corrected prior to any further work progressing on the project.
2. The Federal Insurance Administrator and the Water Resources Administration must be notified by the Zoning Administrator within 30 days after issuance of the citation of any violation which requires a fine or court appearance. New or renewal federal flood insurance may be denied any structure remaining in violation of this Ordinance. The violation may also violate State law, may be subject to action, and may incur a separate penalty.

### **Section 237. Identification of Flood Zones**

The regulatory floodplain shall be those areas of Cecil County which are subject to the 100-year flood, delineated on the most recent revision of the County's Floodway Maps and Flood Insurance Rate Maps (FIRM) and described in the Flood Insurance Study (FIS) prepared by the Federal Emergency Management Agency (FEMA). Floodway Maps and the FIS, if available, must be used. Areas along non-tidal streams that do not have FEMA delineations as described above are subject to regulation by this Part and the State.

### **Section 238. Floodplain Zones**

A community may have one or more of the following floodplain zones:

1. Non-tidal Floodplain consist of the Floodway and the Floodway Fringe. Non-tidal floodplain may have detailed engineering study data, profiles, and water surface elevations, or may have approximate delineations only.
2. Tidal Floodplain consist of areas subject to coastal or tidal flooding by the 100-year flood. These areas are flooded due to high tides, hurricanes, tropical storms, and steady on-shore winds.

### **Section 239. Floodplain Boundaries**

1. Floodplain Zone Determination
  - a. The Zoning Administrator will determine the floodplain zone in which the development activity is proposed using the Floodway Maps and FIS if available, or, if not, by using the FIRM. Without prior approval from FEMA,

the County shall use no other data to enforce floodplain management regulations.

- b.** Where map boundaries and elevations disagree, elevations prevail, with no approval from FEMA required.

**2. Approximate Floodplain Determination**

- a.** For development proposed in the approximate floodplain (no water surface elevations or floodway data provided), the applicant must use the best available information to determine the elevation of the 100-year flood and the extent of the floodway, and must delineate these on the site plan submitted for approval.
- b.** For new subdivisions, the applicant may have the 100-year flood elevations certified by a registered professional engineer based on hydrologic and hydraulic analyses which include a floodway analysis if in the opinion of the Director of the Office of Planning and Zoning it is felt this is necessary.
- c.** For individual lot development, if no data are available, the point-on-the-boundary method may be used. In this method, the distance is scaled from a reference point at the site to the edge of the 100-year floodplain boundary indicated on the FIRM. An elevation of the 100-year flood is determined at that point by survey.

**Section 240. Development Regulations in Floodplain Zones**

- 1.** In order to prevent excessive flood damage and to allow for the protection of the natural and beneficial floodplain functions, the following provisions shall apply to all development, new construction, and substantial improvements to existing structures in all floodplain zones.
  - a.** Watercourses
    - (1)** In all floodplain zones, any development which proposes to alter a watercourse must obtain a variance.
    - (2)** All conditions for encroachment in the floodway must be met and adverse impacts to aquatic resources must be minimized.
    - (3)** FEMA, and the Maryland Water Resources Administration must be notified by the applicant before any modification may occur to watercourses.

- (4) Any activity falling within the 100-year non-tidal floodplain may require a waterway construction permit from the Water Resources Administration.

**b. Wetlands**

- (1) It is State and Federal policy that disturbance of wetlands shall be avoided.
- (2) Encroachment by development into wetlands and buffer areas is not allowed without State and Federal permits.
- (3) The applicant must demonstrate that no alternatives exist and the encroachment is the minimum necessary.
- (4) Mitigation may be required by the appropriate regulatory authorities.

**c. Sediment and Stormwater Management**

- (1) Any land disturbance permitted in the floodplain must have a stormwater management and sediment and erosion control plans as required by State and County regulations.
  - (2) The plan must include design of land contours that will not increase surface water runoff onto neighboring properties.
  - (3) Ground cover must be established immediately after disturbance, and a plan for permanent plantings, including trees, should provide for adequate vegetative cover within the perennial or ephemeral stream buffers as appropriate to prevent erosion.
- 2. If a structure is in more than one zone, the more stringent provisions shall apply to the entire structure.
  - 3. The specific requirements contained in Article V also apply to development in this Article.
  - 4. Any approved development shall comply with all other zoning, environmental, water quality and sanitary regulations, as well as applicable State and Federal requirements.

## **Section 241. Non-tidal and Tidal Floodplain Zones**

- 1.** Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized.
- 2.** Elevation Requirements - New and Substantially Improved Structures
  - a.** Residential Structures
    - (1)** All new residential structures, including manufactured homes, shall have the lowest floor elevated to or above the Flood Protection Elevation.
    - (2)** Basements are not permitted.
    - (3)** In non-tidal floodplain horizontal expansion which increases the foot print and that is a substantial improvement to existing structures shall have the lowest floor elevated at least one (1) foot above the base flood protection elevation.
    - (4)** After the lowest floor is in place the elevation of the lowest floor shall be certified by a registered surveyor or professional engineer on the Elevation Certificate.
    - (5)** Enclosures below the Flood Protection Elevation must be constructed with water equalizing vents to meet the specifications of Section 243.2.
    - (6)** Improvements which are less than substantial shall be constructed to minimize damage during flooding or shall be elevated to the greatest extent possible.
  - b.** Nonresidential Structures
    - (1)** All new or substantially improved nonresidential structures shall be elevated as set forth above for residential structures.
    - (2)** State regulations do not allow basements in nonresidential buildings in the non-tidal floodplain.

**c. Fill**

- (1) The placement of more than 600 cubic yards of fill per parcel/lot in the floodplain is prohibited except by variance.
- (2) Elevating buildings by other methods must be considered unless 600 cubic yards or less of fill are required.
- (3) An applicant shall demonstrate that fill is the best alternative to raising the building to at least the Flood Protection Elevation, and that the amount of fill used will not affect the flood storage capacity or increase flooding onto neighboring properties.
- (4) In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the Zoning Administrator may require submission of hydrologic and hydraulic analyses to adequately demonstrate the effects of the proposed fill.
- (5) The conditions described in Section 243.8 must be met whenever fill is used.

**d. Subdivision Requirements**

- (1) To achieve long-term flood damage avoidance and protection of the natural and beneficial floodplain functions, creation of any new flood-prone building sites shall not be permitted in any new subdivisions regardless of size, number of lots, and location, except in tidal floodplain with a variance.
- (2) Within new major subdivisions, consideration must be given for the preservation and dedication to natural buffer areas or open space of the floodplain areas and their natural vegetation, and if preserved or dedicated, a note must be present on any final record plat reflecting said preservation and/or dedication.

**e. Non-tidal Floodplain**

- (1) In new subdivisions in non-tidal floodplain, each lot platted must have a suitable building site outside the floodplain.
- (2) Consideration must be given to clustering development out of the floodplain.

- (3) An access road at or above the elevation of the 100-year flood shall be provided.

**f. Tidal Floodplain**

- (1) New subdivisions in tidal floodplain shall be designed to develop the highest natural land available before floodplain lots are platted.
- (2) High priority should be given to clustering development out of the floodplain while preserving the low lying land and forested areas in natural vegetation.

**Section 242. Floodway**

1. Floodway shall be preserved to carry the discharge of the 100-year flood. Floodway present increased risks to human life and property because of their relatively faster and deeper flowing waters.
2. Fill shall not be permitted.
3. New structures shall not be permitted except those described in Section 243 of this Part and those described in the Chesapeake Bay Critical Area Program as water dependent uses permitted under certain conditions within the Buffer.
4. New development shall not be permitted in the floodway where alternatives exist elsewhere or if any increase in water surface elevations will result from the 100-year flood.
5. Any development in the floodway which may result in any increase in water surface elevations or change to the floodway must be submitted to FEMA for a Conditional Letter of Map Revision.
6. Hydrologic and hydraulic analyses based on existing floodway models and performed in accordance with standard engineering practices and certified by a registered professional engineer must be submitted. Failure to receive this Letter shall be grounds for denial of the permit.
7. An alternative analysis must be prepared for any development in the floodway before a permit may be issued. The provisions of Section 241 above, as well as Section 242, apply to floodway.

**8. Alternative Analysis Requirement.** Before a permit may be issued, an applicant shall submit an alternative analysis which demonstrates that:

- a.** No reasonable alternatives exist outside the floodway;
- b.** Encroachment in the floodway is the minimum necessary;
- c.** The development will withstand the 100-year flood without significant damage; and
- d.** The development will not increase downstream or upstream flooding or erosion.

**9. Existing Structures**

- a.** Existing structures in the floodway shall be substantially improved only by variance and if they can be brought into conformance with this Part without increasing the footprint.
- b.** To be permitted, additions which are less than substantial must be elevated to the Flood Protection Elevation on pilings or columns.
- c.** In the event of substantial damage, the applicant shall submit an alternative analysis to determine if the structure can be relocated to a less hazardous site.
- d.** Where replacement structures cannot be relocated, they shall be limited to the footprint of the previous structure and must comply with the elevation requirements of Section 243.2 of this Part to the maximum extent practicable.
- e.** Permits for incremental improvements shall be tracked by Zoning Administrator, and if cumulative improvements constitute substantial improvement, no further permits may be issued unless the structure conforms to the provisions of this Ordinance.

**9. Maintenance of Natural Channel**

- a.** The natural watercourse shall be maintained for protection of aquatic resources.
- b.** A variance is required for alteration of watercourses.
- c.** Any variance issued must assure that the conditions for encroachment in the floodway are met, adverse impacts to aquatic resources are minimized, and the public good outweighs the adverse impacts.

- d. The provisions of Section 243 pertaining to altering a watercourse must be met.

**10. Obstructions**

- a. Structures or fill which may impede, retard, or change the direction of the flow of flood waters, or any materials that may be carried downstream to cause damage shall not be placed in the floodway.
- b. Fences, except one or two-wire fences, shall not be placed in the floodway.
- c. Bulkheading shall be exempt from Section 243.8 provided that the applicant meet all other regulatory requirements of Federal and State agencies.

**Section 243. Specific Requirements for Floodplains/Floodways**

In addition to other requirements outlined herein the following specific requirements must be applied.

**1. Placement of Buildings and Materials**

- a. In general, buildings and accessory structures should be located entirely out of the floodplain, or on land that is least susceptible to flooding.
- b. All structures permitted in the floodplain shall be oriented so as to offer the least resistance to the flow of flood waters.
- c. Materials which are buoyant, flammable, explosive, hazardous to health, or which at times of flooding may be injurious to human, animal, or plant life, shall not be stored below the Flood Protection Elevation.

**2. Enclosures Below Lowest Floor**

- a. Buildings which have been elevated and have fully enclosed areas below the Flood Protection Elevation (other than basements) as well as garages and accessory structures which are not elevated (Subsection 6), shall be constructed with water equalizing vents which meet or exceed the following standards:
  - (1) A minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (2) The bottom of all openings shall be no higher than one foot above grade; and



- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwater to equalize hydrostatic forces on the walls.
  - b. Fully enclosed areas below the Flood Protection Elevation shall be used solely for parking of vehicles, access to the building, or storage. If such areas are enclosed, a Nonconversion Agreement as described in Section 237 must be signed by the applicant.
3. Manufactured Homes and Manufactured Home Parks
- a. New manufactured homes and manufactured home parks are prohibited in the floodway.
  - b. In other floodplain zones, all new, replacement, or substantially improved manufactured homes, whether in a manufactured home park or not, shall comply with Section 243.2 of this Ordinance.
  - c. Methods of anchoring shall include use of over-the-top and frame ties to ground anchors.
  - d. Pilings or columns shall be used to maintain storage capacity of the floodplain.
  - e. Concrete block support pilings must be reinforced by filling the hollows with cement, placing reinforcing bars inside and extending them into the footing, and using mortar to cement the blocks together.
  - f. FEMA Publication 85, "Manufactured Home Installation in Flood Hazard Areas", should be consulted for specific recommendations.
  - g. Manufactured homes repaired or replaced because of substantial damage due to flooding or other causes are considered to be new structures and must fully comply with Section 243.2.
  - h. Owners of manufactured home parks or subdivisions that are partially or fully within the floodplain must file an evacuation plan with the Disaster Preparedness Authorities of Cecil County.
  - i. In non-tidal floodplain, a flood free access road shall be provided in all new manufactured home parks and subdivisions.

**4. Anchoring**

- a.** All structures shall be firmly anchored in accordance with acceptable engineering practices to prevent flotation, collapse, and lateral movement during flooding.
- b.** All air ducts, large pipes, and storage tanks located below the Flood Protection Elevation shall be firmly anchored to resist flotation.

**5. Utilities**

**a. Electric**

- (1)** All electric utilities to the building side of the meter, both interior and exterior to the building, are regulated by this Ordinance.
- (2)** Distribution panel boxes must be at least 2 feet above the Flood Protection Elevation.
- (3)** All outlets and electrical installations, such as heat pumps, air conditioners, water heaters, furnaces, generators, distribution systems, must be installed at or above the Flood Protection Elevation.

**b. Plumbing.** Toilets, sinks, showers, water heaters, pressure tanks, furnaces, and other permanent plumbing installations must be installed at or above the Flood Protection Elevation.

**c. Gas.** Gas meters, distribution lines, and gas appliances must be installed at or above the Flood Protection Elevation.

**d. Water Supply and Sanitary Facilities**

- (1)** Water supply distribution and sanitary disposal collection systems must be designed to minimize or eliminate the infiltration of flood waters into the systems or discharges from the systems into flood waters and shall be located and constructed so as to minimize or eliminate flood damage.
- (2)** On-site sewage disposal systems shall meet these same standards.
- (3)** In any case, they must meet the standards as outlined in COMAR 26.04.02, restricting the installation of septic systems in floodplain soils and, COMAR 26.04.03, prohibiting sewage disposal areas from being located in a 50-year floodplain.

**6. Accessory Structures and Garages**

- a.** Where feasible, accessory structures and garages should be located out of the floodplain or elevated to or above the Flood Protection Elevation.
- b.** When these measures are not feasible the following apply:
  - (1)** the floor of the structure must be at or above grade;
  - (2)** the structure must be located, oriented, and constructed so as to minimize flood damage; and
  - (3)** the structure must be firmly anchored to prevent flotation.
- c. Attached Garages**
  - (1)** A garage attached to the main structure shall be elevated to the greatest extent possible, but may be permitted as an exemption to the strict elevation requirement if it is used solely for parking of vehicles, storage, or building access and is no more than 600 square feet in area.
  - (2)** Attached garages must meet the venting requirements of Section 243.2, have all interior walls, ceilings, and floors below the Flood Protection Elevation unfinished, and have no machinery or electric devices or appliances located below the Flood Protection Elevation.
  - (3)** A Nonconversion Agreement as described in Section 234 must be signed by the property owner stating that the garage may never be used for human habitation without first becoming fully compliant with this Ordinance.
- d. Detached Garages and Accessory Structures**
  - (1)** An accessory structure or detached garage may be permitted as an exemption to the elevation requirement if it is less than 300 square feet, used solely for parking of vehicles and limited storage, meets the venting requirements of Section 243.2 and has no machinery, electric devices, or appliances located below the Flood Protection Elevation.
  - (2)** A Nonconversion Agreement must be signed by the property owner.
  - (3)** An accessory structure or a detached garage between 300 square feet and 600 square feet may be permitted below the Flood Protection Elevation only by a conditioned permit described in Section 234.

- (4) An accessory structure or garage larger than 600 square feet in area must be elevated properly or be able to meet all applicable requirements under the variance procedure in Section 243.1 of this Ordinance.

## **7. Recreational Vehicles**

- a. Recreational vehicles located within the floodplain may be exempted from the elevation and anchoring requirements provided they are:
  - (1) located on the site less than 180 consecutive days per year;
  - (2) fully licensed and ready for highway use; and
  - (3) properly permitted.
- b. A recreational vehicle is ready for highway use if it is on its wheels and jacking system, is attached to the site only by quick disconnect type utilities and securing devices, and has no permanently attached additions.
- c. If it cannot meet all of these criteria, the recreational vehicle must be considered a manufactured home and is subject to the elevation and construction standards of this Ordinance.

## **8. Fill**

- a. Fill is discouraged because storage capacity is removed from floodplain.
- b. Other methods of elevating structures should be considered first, and fill used only if other methods are not feasible.
- c. Fill may not be placed in the floodway.
- d. Fill may not be placed in tidal or non-tidal wetlands without the required State and Federal permits.
- e. Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional engineer.
- f. Landfills, rubble fills, dumps and sanitary fills are not permitted in the floodplain.
- g. Fill used to support structures must be compacted to 95% of the maximum density obtainable by the Standard Proctor Test (ASTM Standard D-698), and

its suitability to support structures certified by a registered professional engineer.

- h. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
- i. The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

## **Section 244. Variances**

### **1. Reasons for Granting**

- a. The Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Part.
- b. Conditions may be attached to the variance action, and variance actions must be consistent with sound floodplain management.
- c. Variances may not be issued except as specified below, nor shall variances be issued for any encroachment in floodway if any increase in the 100-year flood levels will result.
- d. Variances shall only be issued upon:
  - (1) a showing of good and sufficient cause;
  - (2) a determination that failure to grant a variance would result in exceptional hardship to the applicant; and
  - (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and State laws or ordinances.
- e. The variance action shall be the minimum necessary, considering the flood hazard, to afford relief.
- f. In considering a variance action, comments from the State Coordinating Office of the Water Resources Administration must be taken into account and maintained with the permit file.

## **2. Conditions**

- a.** Variances may not be granted for the following:
  - (1)** placement of fill or any development in the floodway if any increase in flood levels would result;
  - (2)** placement of fill in the coastal high hazard area for structural support;  
or
  - (3)** new buildings in the floodway.
- b.** For any variance issued, a letter shall be sent to the applicant indicating the terms and conditions of the variance, the increased risk to life and property in granting the variance, and the increased premium rates for National Flood Insurance coverage.
- c.** The applicant shall be notified in writing of the requirement for recordation of these conditions on the deed or Memorandum of Land Restriction prior to obtaining a permit, and of the need to secure all necessary permits as conditions for granting a variance. The Memorandum is described in Article 3-102 and 3-103 of the Real Property Article of the Annotated Code of Maryland.
- d.** The Zoning Administrator shall maintain a record of all variance actions and the justification for their issuance, as well as all correspondence. This record must be submitted as a part of the Biennial Report to FEMA, and be available for periodic review.
- e.** The number of variance actions shall be kept to a minimum.

## **3. Functionally Dependent Uses**

- a.** Variances may be issued for new construction and substantial improvements for the conduct of a functionally dependent use.
- b.** A functionally dependent use cannot perform its intended purpose unless it is located or carried out in close proximity to water.
- c.** Functionally dependent uses include only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

- d. The variance may be issued only upon sufficient proof of the functional dependence.
- e. The provisions of subsections 1 and 2 must be met and the structure must be protected by methods that minimize flood damage up to the Flood Protection Elevation and must create no additional threats to public safety. This may require methods of "wet floodproofing" which allow the structure to flood without significant damage. Methods of floodproofing must not require human intervention.

## **Part IV Historic District**

### **Section 245.**

#### **1. Purpose**

It is the purpose of this Part to establish regulations and procedures necessary to preserve historic districts, landmarks, sites, or structures of historical, archeological, or architectural significance, with their appurtenances and environmental settings, for the public welfare of the residents of Cecil County, hereinafter referred to as "the County". Furthermore, the purpose of the Part shall be to:

- a. Safeguard the heritage of the County by preserving landmarks, sites, structures, or districts which reflect elements of cultural, social, economic, political, archeological, or architectural history;
- b. Implement the goals and objects of the Cecil County Historic Preservation Plan;
- c. Stabilize and improve property values of the County's historic landmarks, sites, structures, or districts;
- d. Foster civic pride in the beauty and accomplishments of the County;
- e. Promote the preservation, use, and appreciation of historic landmarks, sites, structures or districts for the education and welfare of the residents of the County; and
- f. Protect and enhance the County's historic landmarks, sites, structures, or districts as attractions for residents, tourists and visitors alike, which shall serve as a support and stimulus to business and industry.

#### **2. Authority to Establish**

This Part is enacted under the authority granted the Board of County Commissioners of Cecil County, hereinafter referred to as "the Board of County Commissioners", by the General

(Amended 9/19/00)

Assembly of Maryland, as provided in Article 66B, Annotated Code of Maryland, Sections 8.01-8.17, as amended.

### **3. Definitions**

*Alteration:* any exterior change that would affect the historic, archeological, or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public way, including, but not limited to construction, reconstruction, restoration, removal, moving, or demolition.

*Appurtenances and Environmental Settings:* all of the space of grounds and structures thereon which surrounds a designated site or structure and to which it relates physically or visually. Appurtenances and Environmental Settings shall include, but are not limited to, walkways and driveways (whether paved or unpaved), trees, landscaping, pastures, croplands, waterways, open space, setbacks, parks, and public spaces.

*Certificate of Appropriateness:* a certificate issued by the Historic District Commission indicating its approval of plans for construction, alteration, reconstruction, moving or demolition of an individually designated landmark, site, or structure or of a site or structure within a designated preservation district.

*Demolition by Neglect:* any willful neglect in the maintenance and repair of an individually designated landmark, site, or structure, or a site or structure within a designated district, not including appurtenances and environmental settings, that does not result from an owner's financial inability to maintain and repair such landmark, site, or structure, and which results in any of the following conditions:

- a. The deterioration of the foundation, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or
- b. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, the lack of adequate waterproofing which will or could result in permanent damage, injury, or loss to foundations, exterior walls, roofs, chimneys, doors, or windows.

*Designation:* action by the Board of County Commissioners to create an official landmark or historic district that demonstrates historic, archeological, or architectural significance in conformance with Subsection 6 of the Part.

*Exterior Features:* the architectural style, design, and general arrangement of the exterior of an historic structure, including the nature and texture of building material, and the type and style of all windows, doors, light fixtures, signs, or similar items found on or related to the exterior of a historic structure.



*Historic District:* a significant concentration, linkage, or continuity of sites, structures, or objects united historically or aesthetically by plan or physical development. A “historic district” shall include all property within its’ boundaries as defined and designated by the Board of County Commissioners.

*Historic Area Work Permit:* a permit issued by the Cecil County Department of Permits and Inspections upon receiving a “Certificate of Appropriateness” from the Historic District Commission for all projects that the County conducts, assists, licenses, or permits that affect properties within a designated historic district or individually designated landmarks, sites or structures.

*Landmark:* any designated site, structure, or object that is of exceptional historic, archeological, or architectural significance.

*Nomination:* application to the Historic District Commission by a landowner proposing their property for designation as a landmark or historic district under the terms of this Part.

*Ordinary Maintenance:* work that does not alter the exterior fabric or features of a site or structure and has no material effect on the historical, archeological, or architectural significance of the historic site or structure. This definition of ordinary maintenance applies, whenever appropriate, to the appurtenances and environmental setting of the property, as well as the building, structure or object itself.

Specific items to be considered as ordinary maintenance include:

- a. Repair or replacement of roofs, gutters, siding, external doors and windows, trim, lights, and other appurtenant fixtures with like materials of like design.
- b. Landscaping
- c. Paving using like materials of like design.
- d. Repainting of surfaces using the same or substantially the same color.

*Reconstruction:* the process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time.

*Restoration:* the process of accurately recovering the form and details of a property as it appeared at a specific period of time by means of removal of later work and the replacement of work missing from that period.

*Site:* the location of an event of historic significance or a structure, whether standing or ruined, which possesses historic, architectural, archeological, or cultural significance.

*Structure:* a combination of material to form a construction that is stable, including among other things, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, paving, bulkheads, wharves, sheds, coal bins, shelters, fences and display signs visible or intended to be visible from the public way.

#### **4. Establishment of Historic District Commission**

- a. A Historic District Commission is hereby established which shall have a membership of seven (7) persons, all of whom shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, historic preservation, landscape architecture, urban design or related disciplines. All of the Historic District Commission members shall be residents of Cecil County. The Board of County Commissioners shall appoint two (2) members for terms of one (1) year, three members shall be appointed for a term of two (2) years, and two (2) members for a term of three (3) years. Members of the Historic District Commission are eligible for re-appointment for three (3) year terms. Any vacancy of the Historic District Commission shall be filled by the Board of County Commissioners for the unexpired term. The Historic District Commission shall organize annually and, by election, shall select from its members a chairperson and vice-chairperson.
- b. Five (5) members of the Historic District Commission shall constitute a quorum for the transaction of business, and a majority vote of the members present shall control the action of the Commission.
- c. Members of the Historic District Commission may, after written notice of the charges and a public hearing before the Board of County Commissioners, be removed by the Board of County Commissioners for inefficiency, neglect of duty, malfeasance in office, or other cause.
- d. Members of the Historic District Commission shall serve without compensation.
- e. The Historic District Commission shall hold such regular meetings and hearings as necessary to discharge its duties and shall hold special meetings at the call of the Chairperson of any five (5) members of the Commission. The Historic District Commission shall keep official records of its resolutions, proceedings, and actions.

#### **5. Powers and Duties of the Historic District Commission**

The Historic District Commission shall have the following powers and duties:

- a. To adopt its own procedural regulations pursuant to this Part;
- b. Upon receipt of a nomination by the owner(s) of record of a property, recommend to the Board of County Commissioners that properties, structures, or sites found to have historic, archeological, or architectural significance be designated as a historic district or landmark;

(Amended 9/19/00)

- c. To recommend to the Board of County Commissioners that a historic district, site or landmark designation be rescinded or amended;
- d. To conduct an ongoing survey to identify historically and architecturally significant sites, properties, structures and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state and county;
- e. To keep a register of all properties, sites and structures that have been designated as landmarks or historic districts, including all information for required for each designation;
- f. To determine an appropriate system of markers and make recommendation for the design and implementation of specific markings of the street and routes leading from one site, landmark, or historic district to another. To confer recognition upon the owners of landmarks, sites or property or structures within historic districts by means of certificates, plaques or markers;
- g. To advise and assist owners of landmarks, sites, historic properties or structures within historic districts on physical and financial aspects of preservation, reconstruction, restoration, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- h. With the written permission of the property owner(s), nominate landmarks, sites, and historic districts to the National Register of Historic Places and to review and comment on any National Register nominations submitted to the Commission for review;
- i. To inform and educate the citizens of the County concerning the historic and architectural heritage of the County.
- j. To hold public hearings and to review applications for construction, reconstruction, restoration, alteration, removal or demolition affecting designated landmarks, sites, or structures within historic districts and issue or deny certificates of appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;
- k. To consider applications for economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied;
- l. To adopt specific guidelines for the construction, reconstruction, restoration, alteration, removal or demolition of landmarks or property and structures within historic districts;

- m. To call upon the staff of the Office of Planning, Zoning, Parks & Recreation, as well as other experts, for technical advice;
- n. To periodically review the County Zoning Ordinance and to recommend to the Office of Planning, Zoning, Parks & Recreation any amendments appropriate for the protection and continued use of landmarks, sites or property or structures within historic districts.
- o. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this section;
- p. To recommend to the Board of County Commissioners the acceptance of any grant, loan or aid, in any form, from federal, state or private sources on behalf of the County;
- q. As deemed appropriate, designate the Maryland Historical Trust to make an analysis of and recommendations for the preservation of structures of historic and architectural value within the County; and
- r. To recommend that the Board of County Commissioners accept architectural easements in connection with structures located within Historic Districts. Such easements shall grant the Board of County Commissioners, the residents of historic districts, and the general public, the perpetual right to have the exterior appearance of any structure upon which it is applied retained in substantially the same character as when the easement took effect.

## **6. Procedure for Designation of Historic Districts**

- a. Upon receipt of the written permission of the property owner(s), the Board of County Commissioners may designate historic landmarks, sites, and the boundaries of districts of historical, archeological, or architectural significance consistent with the criteria contained herein.
- b. Nominations shall be made to the Historic District Commission by the owner(s) of record of the nominated property.
- c. The Historic District Commission shall send a recommendation to the Board of County Commissioners for approval or disapproval as a designated landmark, site, structure, or district of historic, archeological, or architectural significance. In making this determination, the Historic District Commission may consider, but is not limited to, the following factors:

1. Historical or Archeological
  - (a) It has character, interest, or value as part of the development or cultural characteristics of the community, county, state or nation;
  - (b) It has location as a site of a significant local, county, state or national event; and/or
  - (c) It has been identified with a person or persons who significantly contributed to the development of the county, state, or nation.
2. Architectural
  - (a) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials;
  - (b) It has been identified as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the county, state or nation;
  - (c) It embodies elements of design, detailing, materials or craftsmanship that render it architecturally significant;
  - (d) It embodies design elements that make it structurally or architecturally innovative;
  - (e) It has a unique location or singular physical characteristics that make it an established or familiar visual feature; and/or
  - (f) It has character as a particularly fine or unique example of a utilitarian structure, with a high level of integrity or architectural significance.
- d. Any structure, property, site or area that meets the criteria listed above shall also have sufficient integrity of location, setting, design materials and workmanship to make it worthy of preservation or restoration.
- e. The Historic District Commission shall, upon receipt of a completed nomination in property form, determine that the nominated landmark, site, or historic district does or does not meet the criteria for designation.
- f. The determination shall be accompanied by a report to the Director of Planning, Zoning, Parks & Recreation containing the following information:
  1. An explanation of the significance or lack thereof of the nominated landmark or historic district as it relates to the criteria for designation;

2. An explanation of the integrity or lack thereof of the nominated landmark, site or historic district;
  3. In the case of a landmark found to meet the criteria for designation:
    - (a) The significant exterior features of the nominated landmark that should be protected; and
    - (b) The types of construction, reconstruction, restoration, alteration, demolition, and removal other than those requiring a building or demolition permit, that should be reviewed for appropriateness.
  4. In the case of a nominated historic district found to meet the criteria for designation:
    - (a) The types of significant exterior features of the structures within the nominated historic district that should be protected; and
    - (b) The types of alterations and demolitions that should be reviewed for appropriateness.
  5. Proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark or historic district.
  6. The relationship of the nominated landmark, site or historic district to the ongoing effort of the Historic District Commission to identify and nominate, with the property owner's written permission. All potential areas and structures that meet the criteria for designation;
  7. All landmarks, appurtenances and environmental settings appropriate to ensure preservation of character and historical integrity;
  8. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulation and parking regulations necessary or appropriate to the preservation of the nominated landmark, site or historic district; and
  9. A map showing the location and boundaries of the nominated landmark, site, or historic district.
- g. The recommendation of the Historic District Commission shall be sent to the Office of Planning, Zoning, Parks and Recreation; and

- h. The Office of Planning, Zoning, Parks & Recreation shall forward the recommendation of the Historic District Commission to the Planning Commission for a recommendation. The Office of Planning, Zoning, Parks & Recreation shall forward the recommendations of the Historic District Commission and the Planning Commission to the Board of County Commissioners for approval or disapproval.

## **7. Notice**

- a. The Office of Planning, Zoning, Parks & Recreation shall notify the Historic District Commission of the nomination upon receipt of the nomination from the property owner(s).
- b. The following notice shall be given prior to the date of the public hearing on the nomination.
  - 1. Notice of the date, time, place and purpose of the public hearing and a copy of the nomination shall be sent by certified mail to the owner(s) of record, as well as to the property owners adjoining the nominated landmark or historic district, at least fifteen (15) days prior to the hearing;
  - 2. Notice shall also be published in the newspaper of general circulation in the county at least fifteen (15) days prior to the hearing;
  - 3. The notice shall state the street address, property owner(s), and the boundaries of the nominated historic district.
- c. Upon designation by the Board of County Commissioners, the landmark, site, or historic district shall be classified by the Board of County Commissioners as a Historic District or Landmark. As appropriate, the record of the Board of County Commissioners' decision to designate a historic district, site or landmark shall describe the significant exterior architectural features; the types of construction, alteration, demolition, and removal other than those requiring a building or demolition permit, that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulations; minimum dwelling size; floor area; sign regulations; and parking regulations. The official zoning map for Cecil County shall be amended to show the boundaries of the Historic District or Landmark.

## **8. Amending and Rescinding Designation**

In accordance with Section 5 of this Part, a designation may be amended or rescinded upon petition to the Historic District Commission in compliance with the same procedure and

according to the same criteria set forth herein for designation. The burden of proof is on the property owner to demonstrate that there is a justification for rescinding the designation.

## **9. Certificate of Appropriateness**

A certificate of appropriateness shall be required from the Historic District Commission before the following actions affecting the exterior features of any landmark, site or property within a historic district, any portion of which is visible from a public way, may be undertaken:

- a. Any construction, reconstruction, restoration, alteration or removal requiring a building permit from the Department of Permits and Inspections;
- b. Any demolition, in which whole or in part requiring a permit from the Department of Permits and Inspections; and
- c. Any construction, reconstruction, restoration, alteration, demolition, or removal affecting a significant exterior feature as specified in the record of designation for the landmark or historic district.

## **10. Design Guidelines**

Design guidelines for applying the criteria for review of certificates of appropriateness shall adhere to the United States Secretary of Interior's standards for historic preservation projects.

## **11. Applications**

Every applicant for a demolition permit or a building permit within a designated historic district, hereinafter referred to as "historic area work permit", including the accompanying plans and specifications, affecting the exterior features of a designated landmark or the significant historic qualities of a property or site within a designated historic district shall be forwarded by the Office of Planning, Zoning, Parks & Recreation to the Historic District Commission. The Office of Planning, Zoning, Parks & Recreation shall not issue the historic area work permit until a certificate of appropriateness has been issued by the Historic District Commission before the application is sent by the Office of Planning, Zoning, Parks & Recreation to the Historic District Commission or during review of the application.

Applications for review of construction, reconstruction, restoration, alteration, demolition or removal, not requiring a building permit for which a certificate of appropriateness is required, shall be made on a form prepared by the Historic District Commission and available in the Office of Planning, Zoning, Parks & Recreation. The Historic District Commission shall consider the completed application at its next regular meeting. A certificate of appropriateness may be issued upon the signature of five (5) members of the Historic District Commission.



## **12. Standards for Review**

The Historic District Commission shall be strict in its judgment of plans for those structures or landmarks deemed to be valuable for historic, archeological, or architectural reasons. The Historic District Commission shall be lenient in its judgment of plans for structures of little historical value or for plans involving new construction, unless such plans would seriously impair the historic, archeological or architectural value of surrounding structures designated as landmarks or historic districts. The Historic District Commission is not required to limit review to new construction, alteration or repair to the architectural style of any one period. In reviewing applications, the Historic District Commission shall give consideration to:

- a. The historic, archeological, or architectural significance of the site or structure;
- b. The relationship of the exterior features of a structure to the remainder of the structure;
- c. The general compatibility of the exterior design, scale, proportion, arrangement, texture, and materials proposed to be used on the landmark, site or structure; and
- d. Any other factors including aesthetic factors, which the Commission deems pertinent.

## **13. Determination by Historic District Commission**

The Historic District Commission shall review the application for a historic area work permit or for a certificate of appropriateness and issue, deny or recommend modifications to the certificate of appropriateness within forty-five (45) days of the receipt of the application. Written notice of the approval, conditional approval, or denial of the application for a certificate of appropriateness shall be provided to the applicant and the Department of Permits and Inspections, and in the case of approval, be accompanied by a certificate of appropriateness.

## **14. Denial**

If an application is denied, the applicant may submit an amended application that takes into consideration and addresses the Historic District Commission's reasons for denial.

## **15. Automatic Approval**

Failure of the Historic District Commission to act upon the application within forty-five (45) days of the receipt of the application shall be deemed to constitute automatic approval of the proposed changes unless an extension of this forty-five (45) day period is agreed upon mutually by the applicant and the Historic District Commission or the application is withdrawn.

## **16. No Work to Commence without Approval**

The owner, lessee, or tenant of the property and premises shall not commence any proposed work or change until and unless he has received approval from the Department of Permits and Inspections and the Historic District Commission.

## **17. Ordinary Maintenance – Completion of Work Under a Prior Permit**

Nothing in this section of the ordinance shall be taken or construed to prevent work or repairs on any structure coming under the heading of ordinary maintenance. Nothing in this subsection affects the right to complete any work covered by a permit or authorization issued prior to the adoption of this amendment, unless otherwise specified.

## **18. Special Circumstances**

In the case of a designated historic site or structure, the Historic District Commission may approve the proposed reconstruction, restoration, alteration, moving, or demolition despite the provisions of subsection 12 provided:

- a. The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the County.
- b. Retention of the site or structure would cause undue financial hardship to the owner; and/or
- c. The retention of the site or structure would not be in the best interest of the County.

## **19. Demolition by Neglect**

In the event of demolition by neglect, or willful neglect in the maintenance and repair of an individually designated landmark, site or structure, not including any appurtenances and environmental settings and not resulting from the recorded property owner's financial inability to maintain and repair said landmark, site or structure, the Historic District Commission shall undertake the following measures:

- a. The Historic District Commission may request the Department of Permits and Inspections to notify, in writing, the property owner(s) of record of the deterioration. The notice shall specify the minimum items of repair or maintenance necessary to correct the deterioration or prevent further deterioration.

- b. The notice shall provide for the commencement of corrective action within thirty (30) days of the receipt of said notice and shall be completed within a reasonable period of time after issuance of said notice. The notice shall state that the owner of record of the property may within ten (10) days of receipt of said notice, request a hearing on the necessity of the items and conditions in said notice. If a public hearing is requested, the Historic District Commission shall schedule the matter at its next regular meeting. Written notice shall be sent to the owner of record.
- c. After a public hearing, if the Historic District Commission determines that corrective action remains necessary, the Historic District Commission may request that the Department of Permits and Inspections issue a final notice of corrective action, which the property owner(s) shall comply within thirty (30) days of the receipt of said final notice.
- d. Upon failure, neglect, or refusal of the property owner, after being duly notified, to take corrective action within the time specified in said final notice, the Historic District Commission may request that the Department of Permits and Inspections institute penalties provided by law.

## **20. Meetings to be Public**

All meetings of the Historic District Commission shall be open to the public. Any interested person or his representative is entitled to appear and be heard by the Historic District Commission. The Historic District Commission shall keep an open record of its resolutions, proceedings, and actions, which shall be kept available for public inspection.

## **21. Appeal**

Any person aggrieved by a decision of the Historic District Commission may appeal the decision to the Circuit Court in accordance with the Maryland Rules of Procedure.

## **22. Violations**

Violations of any of the provisions of this Part shall be subject to the enforcement provisions of Article XIX of this Ordinance.

## **Part V        Transfer of Development Rights**

### **Section 246.**

#### **1. Intent**

- a. It is the intent of these regulations to encourage the preservation of natural resources and facilitate orderly growth in the County.
- b. It is also the intent of these regulations to provide more attractive living environment than would be possible through a strict application of SR, DR and TR requirements to encourage a more creative approach to development of land.

#### **2. Authority**

This section is enacted under the authority granted the Board of County Commissioners of Cecil County by the General Assembly of Maryland as provided in Article 66B, Annotated Code of Maryland, Section 11.01 as amended.

#### **3. Residential Density Provisions**

- a. The maximum residential density utilizing transferred development rights in the SR zone that may be permitted by the Planning Commission shall be four (4) dwelling units per acre.
- b. The maximum residential density utilizing transferred development rights in the DR zone that may be permitted by the Planning Commission shall be twelve (12) dwelling units per acre.
- c. The maximum residential density utilizing transferred development rights in the TR zone that may be permitted by the Planning Commission shall be six (6) dwelling units per acre.

#### **4. Permitted Dwelling types in a development using TDR's**

- a. Subject to b below, the following dwelling types may be permitted when utilizing transferred development rights:
  1. Detached
  2. Semi-detached
  3. Duplex
  4. Townhouse provided that:
    - (a) No more than four (4) townhouses shall be permitted in one building block in the SR and TR zones.
    - (b) No more than six (6) townhouses shall be permitted in one building block in the DR zone.

5. Apartments provided:

- (a) Maximum building length is no more than one hundred feet in all zones.
  - (b) No apartment shall be constructed closer to any property line than a distance equal to the height of the building.
  - (c) No apartment building shall be constructed closer to any other building on the same lot than a distance equal to the height of the higher of the two buildings. The space between the buildings may be reduced to a distance equal to half the taller of the two buildings provided:
    - (1) The spacing is approved by the Emergency Services representative to the Technical Advisory Committee;
    - (2) The apartment buildings are oriented side to side or corner to corner;
    - (3) The reduction in the building spacing requirement will allow for additional useable open space to be provided on the site; and
    - (4) The apartment buildings are designed in clusters rather than strips.
- b. The maximum percentage of dwelling types permitted in a development utilizing TDR's shall be as follows:

<u>Zone</u>	<u>Detached</u>	<u>Semi-Detached/Duplex</u>	<u>Townhouse/Apartment</u>
SR	no limit	30%	20%
DR	no limit	60%	40%
TR	no limit	30%	30%

**5. General Requirements**

- a. The minimum parcel size for using TDR's in the SR, DR, and TR zones shall be ten (10) acres.
- b. All developments using TDR's shall be served by community facilities.
- c. The minimum common open space requirement in developments using TDR's shall be thirty (30) percent of the gross site area, with passive amenities. This percentage may be reduced to fifteen (15) percent by the Planning Commission when the developer proposes to improve the open space with active recreational amenities in addition to the passive amenities.
- d. A minimum of two (2) off street parking spaces must be provided for each dwelling unit on the lot the dwelling occupies.

## **6. Lot Size, Lot Dimension, Lot Coverage, Height and Yard Requirements**

- a. It is the intent of these regulations to permit flexibility in lot, yard, and setback requirements and to encourage innovative and creative design without endangering the health, safety and welfare of the residents in and near the development.
- b. The setback, lot size, lot dimensions, height and yard requirements in developments using TDR's shall be established for each individual project by the Planning Commission. In establishing these requirements the Planning Commission shall consider such factors as the proposed intensity of the project and the existing character of the neighborhood.

## **7. Site design Standards**

In addition to the design standards contained in Article IX, the TDR development shall comply with the following design standards:

- a. The proposal shall be designed with regard to the soils, topography, and natural features of the parcel.
- b. The proposal shall be designed to provide adequate pedestrian circulation.
- c. The proposal's roads shall be designed to provide a logical road network adequate for internal movement.
- d. The proposal shall be directly accessible from one (1) or more existing or planned arterial or collector roadways.

## **8. Administrative Procedures**

a. Sending Areas shall meet the following criteria:

- (1) Only those zoning districts designated as Northern Agricultural Residential (NAR) and Southern Agricultural Residential (SAR) shall serve as sending areas.
- (2) The minimum parcel size for a sending parcel shall be fifty (50) acres.
- (3) Soils on sending parcels shall meet the following minimum criteria:
  - (a) At least 50% of the soils shall be classified as USDA Class I, II or III soils; or
  - (b) If the land is wooded, 50% of the land is classified as Woodland Group 1 or 2; or
  - (c) If the reason the land could not meet the above criteria was because of floodplain or wetland soils, those areas could be excluded as a percentage of land; or
  - (d) If there is an insufficient percentage of USDA I, II, or III soils alone and there is an insufficient percentage of Woodland Group 1 and 2 soils alone, the land would qualify if the two exceed 60%

- (4) The sending density for TDR's in areas zoned NAR shall be one (1) unit per five (5) acres.
- (5) The sending density for TDR's in areas zoned SAR shall be one (1) unit per three (3) acres.

b. Receiving Areas shall meet the following criteria:

- (1) Only those areas zoned Suburban Residential (SR, Development Residential (DR) and Town Residential (TR) shall serve as receiving areas.
- (2) The minimum parcel size for receiving parcels shall be ten (10) acres.
- (3) Receiving area parcels shall be currently served with water and sewer facilities, or be in an area planned to be served by the County in the next ten (10) years, or be serviced by a developer financed approved shared facility. The current Master Water and Sewer Plan for the County shall be used for this determination.
- (4) The density for receiving areas in the SR zone shall not exceed four (4) units per acre.
- (5) The density for receiving areas in the DR zone shall not exceed twelve (12) units per acre.
- (6) The density for receiving areas in the TR zone shall not exceed six (6) units per acre.

c. A concept plat shall be presented to the County's Technical Advisory Committee (TAC). The concept plat shall clearly state that TDR's are being used in the proposal and identify the sending parcel. The soils description shall be submitted along with a statement indicating the number of TDR's being utilized.

d. The Planning Commission will review the concept plat for conformance with this section and the subdivision regulations and approve or disapprove the plat.

e. A preliminary plat shall be submitted to the TAC for review and to the Planning Commission for approval or disapproval. The preliminary plat shall include the number of TDR's being utilized and identify the sending parcel.

f. A final plat shall be presented to the Planning Commission for approval or disapproval. Prior to the Planning Commission's review, a Transfer of Development Rights Conservation Easement shall be executed between the sending area parcel owner and the County and a Deed of Transfer of Development Rights shall be executed between the sending area parcel owner and the receiving area developer.

g. If the final plat is approved by the Planning Commission, the Transfer of Development Rights Conservation Easement and Deed of Transfer of Development rights shall be recorded in the Office of the Clerk of the Court for

Cecil County. The record plats shall not be signed by the Director of Planning and Zoning until the recordation of these documents occurs.

- h. If a property owner sells a development right on a sending parcel, no further subdivision can occur on the sending parcel, unless the acreage is withheld prior to the calculation of development rights.
  - i. The Cecil County Office of Planning and Zoning shall send a certificate of availability of development rights to property owners that qualify as a sending area upon request.
  - j. If a landowner who is eligible to sell development rights sells those rights, the landowner shall notify the Office of Planning and Zoning of the transaction and the number of development rights sold. The Office of Planning and Zoning shall be notified of future transfer of the development rights from purchaser to seller.
  - k. Development rights may be used by developments in incorporated municipalities provided the Towns adopt mechanisms to utilize these rights within the Towns.
9. Development proposals in the NAR and SAR zoning districts that have received concept plat approval prior to the adoption of this Transfer of Development Rights ordinance shall not have their approved density effected as long as the concept plats remain valid.

**Section 247. Reserved**

(Approved 8/14/06, Effective 1/1/07)



## **ARTICLE XII        PLANNED UNIT DEVELOPMENT (PUD)**

### **Section 248.    Planned Unit Development in General**

- 1.**     It is the intent of these regulations to control the placement, design, use and density of well-planned, residential developments which will offer a variety of building types and a more efficient use of land and within these limits permit the optimum amount of freedom and variety in design and management of such varying types of residential structures including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses, and apartments.
- 2.**     It is also the intent of these regulations to provide a more attractive living environment than would be possible through the strict application of SR, TR, and DR requirements, to encourage a more efficient and aesthetic use of open space, and to encourage developers to use a more creative approach in the development of land. It is further the intent of these regulations to permit certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD.

### **Section 249.    Residential Density Provisions**

- 1.**     The maximum density of a PUD in the SR zone that may be permitted by the Planning Commission shall be four (4) dwelling units per acre. The maximum density of a PUD in the DR zone that may be permitted by the Planning Commission shall be six (6) dwelling units per acre.
- 2.**     The maximum density of a PUD that may be permitted by the Planning Commission in the TR zone shall be as established by the adjacent Town approving the Sketch Plat, but in no case shall the density be more than is permitted in the DR zone.

### **Section 250.    Permitted Dwelling Types in PUDs**

- 1.**     Subject to 2 below, the following dwelling types may be permitted in a PUD:
  - a.**     Detached
  - b.**     Semi-Detached
  - c.**     Duplex
  - d.**     Townhouse provided that:
    - (1)**    No more than four (4) townhouses shall be permitted in one building block in a PUD in the SR zones.

- (2) No more than six (6) townhouses shall be permitted in one building block in a PUD in the DR zone.

e. Apartments provided:

- (1) Maximum building length is no more than one hundred (100) feet in length in all zones.
- (2) No apartment building shall be constructed closer to any property line than a distance equal to the height of the building.
- (3) No apartment building shall be constructed closer to any other building on the same lot than a distance equal to the height of the higher of the two buildings. The space between two apartment buildings may be reduced to a distance equal to half of the taller of the two buildings provided:
  - (a) The spacing is approved by the Emergency Services Representative to the Technical Advisory Committee; and
  - (b) The apartment buildings are oriented side to side or corner to corner; and
  - (c) The reduction in the building spacing requirement will allow for additional useable open space to be provided on the site; and
  - (d) The apartment buildings are designed in clusters rather than strips.

2. The maximum percentage of dwelling types in PUDs shall be as follows:

<u>Zone</u>	<u>Detached</u>	<u>Semi-Detached or Duplex</u>	<u>Townhouse or Apartments</u>
SR	no limit	30%	20%
DR	no limit	60%	40%
TR	(as established by agreement with the adjacent Town but in no case more than is permitted in the DR zone)		

## **Section 251. General Requirements**

1. The minimum parcel size for PUD's shall be as follows:

<u>Zone</u>	<u>Minimum Parcel Size</u>
SR	10 Acres
DR	8 Acres
TR	5 Acres

2. All PUD's shall be served by community facilities.
3. A minimum of thirty (30) percent of the gross site shall be landscaped.
4. The minimum common open space in a PUD shall be thirty (30) percent of the gross site area. The open space shall be designed and designated for the common use of all the occupants of the PUD. The common open space shall be improved by the developer with recreational amenities as required by the Planning Commission. It shall only include structures and roads if approved by the Planning Commission.
5. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit, either on the lot the unit occupies or within 150 feet of the lot unless approved as per Section 277.

## **Section 252. Business Establishments**

1. Certain business uses shall be permitted in PUD's in the SR and DR zones provided that the gross floor area of such establishments does not exceed ten (10) square feet for every dwelling unit approved in the PUD. Business uses in the TR zone shall be as approved in the Sketch Plat reviewed by the adjacent town.
2. Permitted business uses in a PUD shall be those listed in the Permitted Uses Chart for the BL zone.
3. The requirements of the BL zone shall apply to business uses in a development in the PUD.
4. No business establishment in a PUD shall have direct access onto a major collector roadway or arterial roadway as defined on the Official Cecil County Roadway Classification Map.

### **Section 253. Business Establishment Phasing**

1. Any portions or parcels of a PUD designated for business uses shall be shown as such on the Sketch Plat and subsequent site plans to be reviewed.
2. No business establishment shall be permitted to operate until twenty-five percent (25%) of the residential units are constructed.

### **Section 254. Lot Size, Lot Dimensions, Lot Coverage, Height, and Yard Requirements**

1. It is the intent of these regulations to permit flexibility in lot, yard and setback requirements and to encourage innovative and creative design without endangering the health, safety and welfare of the residents in and near the PUD.
2. The setback, lot size, lot dimensions, lot coverage, height, and yard requirements in the Planned Unit Development shall be established for each individual project by the Planning Commission. In establishing these requirements the Planning Commission shall consider such factors as the proposed intensity of the project and the existing character of the neighborhood.

### **Section 255. Site Design Standards**

In addition to the design standards contained in Article IX the PUD shall comply with the following design standards:

1. The PUD shall be designed with regard to the soils, topography and natural features of the parcel.
2. The PUD shall be designed to provide adequate pedestrian circulation.
3. The PUD's roads shall be designed to provide a logical road network adequate for internal movement.
4. The PUD shall be directly accessible from one (1) or more existing or planned arterial or collector roadways.

## **Section 256. Administrative Procedures**

1. PUD's may be permitted in the SR, DR or TR zones by Special Exception. The application for Special Exception shall include a Sketch Plat containing the information as specified in the Cecil County Subdivision Regulations and Appendix A of this Ordinance. In addition the Sketch Plat/Special Exception Application shall contain the following information:
  - (a) Elevations of each building type.
  - (b) Proposed open spaces, their size, their location, their uses, and their proposed ownership (County and/or association).
  - (c) General statement concerning provision of utilities (draft terms and provisions of a public works agreement).
  - (d) Statement of expected County responsibilities.
  - (e) Cost-Revenue ratio of the proposed PUD for the County.
  - (f) Tentative time table and staging of development. (Schedule of construction)
2. The Sketch Plat/Special Exception shall be reviewed by the Cecil County Technical Advisory Committee.
3. The Planning Commission shall review the Sketch Plat/Special Exception and make recommendations to the Board of Appeals.
4. The Sketch Plat/Special Exception shall be reviewed by the Board of Appeals. The Board shall consider the recommendations of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD.
5. Preliminary and Final Review and Approval Procedure. Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations.
6. Provisions of the PUD when found to be in conflict with other provisions of the Cecil County Zoning Ordinance or Cecil County Subdivision Regulations shall supersede those other provisions with which they conflict.

## **Section 257. Reserved**

## **Section 258. Reserved**

## ARTICLE XIII      SIGNS

### Section 259.    General Requirements

1.     The purpose of these Sign Regulations is to control the size and location of signs in the County in order to preserve safety and to prevent the proliferation of signs which detract from the appreciation of the landscape. Notwithstanding any other provision in this Ordinance, no sign shall be permitted, erected or used in any district except as permitted in this article.
2.     Where other sign or outdoor advertising regulations are in effect and are more restrictive than the provisions of this Article, the more restrictive provisions shall prevail.

### Section 260.    Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Article.

1.     *Sign.* A sign shall mean and include any writing, figure, representation, emblem, flag, three-dimensional figure or model, device, letter, word, street clock and temperature announcement, and shall include any announcement, declaration, demonstration, display, illustration, name, identification, description or insignia used to advertise or promote the interest of any person, group or business when the same is viewed by the general public. This definition shall not include interior sign displays (i.e., signs in windows); whether or not visible by the general public. This definition shall include any sign placed upon a vehicle or trailer when the location of the vehicle or trailer is reasonably construed as being placed for the display of advertising matter.
2.     *Sign Area.* Except as otherwise defined, the area of a sign shall include the entire sign together with all trim, moldings, battens, capping and nailing strips which are attached and are part of the sign proper or incidental to its decoration. For the purpose of this Ordinance, signs which are composed of letters, words or representations only and which follow no square or rectangular pattern shall be considered to include in sign area a square or rectangle as drawn at the outer limits of the letters, words or representations.
3.     *Copy Area.* Copy area of a sign shall include the entire sign area excluding trim, moldings, battens, capping and nailing strips.
4.     *Setback.* A stated minimum distance on a lot as measured from the street line within which no signs may be erected.

5. *Street Line.* A property line of a lot coincident with the line indicating the limits of a right-of-way, existing or proposed.
6. *Right-of Way.* Land maintained, dedicated or reserved for construction of, a street, road, court, place, walkway, square or lane.
7. *Nameplate.* A sign indicating the name, address or profession or occupation of an occupant or a group of occupants.
8. *Instructional.* A sign conveying instructions with respect to the premises on which it is maintained, such as the entrance or exit of a parking area, a trespassing sign, a danger sign and similar signs.
9. *Identification.* A sign accessory to and located on the same premises as the business for which it advertises; such sign indicating the name of the business, the principal product or service, and/or logo. For the purposes of this Article, signs which contain ideological, religious or political thought or messages shall be considered identification signs.
10. *Billboard.* A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located, not including painted walls.
11. *Bulletin Board.* A sign of permanent character, but with movable letters, words or numerals, indicating the names and persons associated with, or events conducted upon, or products or services offered upon, the premises upon which such a sign is maintained.
12. *Off-Site Advertising.* A sign directing attention to a business, commodity, service or product which is not conducted, sold or offered upon the premises where the sign is located.
13. *Building Sign.* Wall, roof, marquee, or projecting sign that is attached to a building.
14. *Freestanding Sign.* Off site advertising, ground or shopping center identification not attached to a building.
15. *Ground Sign.* A detached sign which shall include any sign, supported by uprights, pylons, poles or braces placed upon, or in, or supported by the ground and not attached to any building.

16. *Marquee.* Any hood, canopy, awning or permanent construction projecting from the wall of a building above an entrance or existing over a thoroughfare, walkway or sidewalk.
17. *Marquee Sign.* A sign attached to a marquee used for notice, advertisement or announcement purposes.
18. *Projecting Sign.* Projecting sign shall include any sign which is attached to a building and extends beyond the wall of the building to which it is attached or within the setback required for a building.
19. *Roof Sign.* Roof sign shall mean and include any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure, subject to the provisions of wall sign.
20. *Wall Sign.* Any sign not including a marquee sign or nameplate sign erected against the wall of any building or displayed with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs shall include any business or advertising matter painted directly upon any wall. For the purposes of this Ordinance, the definition of wall sign shall include any sign erected, constructed or maintained upon or over the roof of any building provided that the maximum height of the sign shall not exceed the highest point of the supporting roof.
21. *Shopping Center Identification Sign.* An identification sign accessory to and on the same property as the shopping center for which it advertises and which contains the name of the shopping center, names of tenants, and/or changeable copy.
22. *Cutout.* An appendage to a sign extending outside of the regular square or rectangular sign area. The area of a cutout shall not exceed ten percent of the sign area. Cutouts shall be included in sign area calculations for the purposes of this Ordinance, except in industrial districts.
23. *Maximum Aggregate.* The total of the sign area of all signs located on a parcel, excluding wall signs.
24. *Street Frontage.* The linear measurement of a parcel along a street line, private road, or right-of-way to which the parcel abuts.



## **Section 261. Signs Exempted From Regulation**

The following signs, limited in height to twenty-five (25) feet or the roof of the building on which it is erected, whichever is greater, are exempt from regulation under this Ordinance:

1. One (1) name plate not exceeding two (2) square feet in area, unlighted, indicating the name of the occupant and/or property per principal building or use on a premises.
2. One (1) lighted or unlighted sign identifying an institutional use, not exceeding thirty-two (32) square feet in size.
3. Signs not exceeding two (2) square feet in size posted to restrict activities on the property, such as No Hunting, No Trespassing, etc.
4. Unlighted signs identifying a permitted home occupation, limited to three (3) square feet in size.
5. Signs indicating public transportation stops.
6. Instructional signs giving information strictly for the purposes of direction, safety or convenience of the general public such as signs which identify public rest areas, public parking areas, entrances or exits, loading and no loading and the like, not to exceed four (4) square feet in surface area.
7. Memorial plaques, corner stones, historical tablets.
8. Signs established by duly constituted governmental authorities, including but not limited to traffic regulation signs, public notice signs and signs required to be maintained or posted by law or government order, rule or regulations.
9. Official signs of a noncommercial nature erected by public utilities.
10. Flags or emblems or governmental, educational or religious organizations and non-commercial signs relating to religious or political thought, house of worship bulletin boards, identification signs and church directional signs not to exceed thirty-two (32) square feet in area.
11. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.

(Amended 8/20/02)

12. Signs which are attached or which are an integral part of gasoline pumps or other dispensing or servicing device; provided that such signs do not extend beyond the area of the pump, dispensing or servicing device to which they are attached.
13. At any entrance to a residential subdivision or multi-family development, there may be not more than two signs identifying such subdivision or development. A single side of any such sign may not exceed 16 square feet, nor may the total surface area of all such signs located at a single entrance exceed 32 square feet.

## **Section 262. Exempt Temporary Signs**

The following temporary signs are exempt from permit procedures. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this Ordinance.

### **1. Real Estate Sign**

Temporary signs indicating the sale, rental or lease of the premises on which it is located, including a development sign limited to the following two (2) types:

- a. Lot premises sign - sign advertising the sale or rental of a lot, premises, dwelling, or structure.
  - (1) Maximum six (6) square feet in area;
  - (2) Minimum five (5) foot setback from a street;
  - (3) One (1) permitted per each street frontage on which the premises abuts.
- b. Development signs - a sign advertising the sale or rental of structures under construction upon the land which is under development, permitted with a permit in all zones but limited to the following:
  - (1) Maximum sixty-four (64) square feet in area;
  - (2) Minimum setback from street will be the minimum setback for the zone in which it is located;
  - (3) One (1) sign permitted per each street frontage on which the premises abuts.

(Amended 8/20/02)

**2. Other Temporary Signs**

A sign to be placed on a lot for a limited period of time to advertise for a grand opening, special event, sale, and the like shall be permitted in any zone subject to the following limitations:

- a.** A permit is issued for a period not to exceed thirty (30) days;
- b.** Maximum sign area is fifty (50) square feet;
- c.** Minimum setback is five (5) feet front and ten (10) feet side and rear;
- d.** The sign will not interfere with vehicular or pedestrian movement;
- e.** A sign may remain after the thirty (30) days expires if a Special Exception is obtained.

**3. Election Signs**

Lighted or unlighted political signs or posters may be erected in any zone under the following conditions:

- a.** Signs shall be removed within fourteen (14) days after the primary or special election. Candidates who win the primary may maintain their signs until fourteen (14) days after the following general election.
- b.** No political sign shall exceed thirty-two (32) square feet in area unless posted on an existing legal billboard.
- c.** The signs shall not interfere with pedestrian or vehicular traffic.
- d.** Whenever a political sign is discovered in violation of this Ordinance, the person responsible for the erection or distribution of the sign, or the owner or his agent of the property upon which the sign is located shall cause the removal of the sign within twenty-four (24) hours. Should the sign not be removed within the required period, the sign may be removed by the County and the campaign committee billed for the removal.

**4. Banners, twirling, "A" type, sandwich type, sidewalk or curb signs and balloons or other air or gas filled figures displayed on a temporary basis.**

**5. Outdoor advertising of any kind or character where any live animal or person used as part of the advertising is visible from any public street or public place displayed on a temporary basis.**

## **Section 263. Prohibited Signs**

The following signs shall be prohibited:

1. Signs, except time and temperature indicators which flash by means of either nonelectric or electric mechanism or current. Any sign mechanism or representation which sparkles, glitters, or twinkles, or by any product which produces intermittent reflection of rays of light, or by rotation which produces the effect of reflection.
2. Moving, movable or animated signs except as specifically permitted in 1 above.
3. Stereopticon or motion picture mechanism in conjunction with any outdoor advertising structure, accessory sign or advertising statuary used in such a manner as to permit or allow the images to be visible from any public street or sidewalk.
4. Signs which produce noise or sounds.
5. Signs which emit visible smoke, vapor, particles or odor.
6. Signs erected that by reason of the position, shape or color, may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of words "stop", "look", "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse vehicular traffic.
7. Signs erected, constructed or maintained so as to obstruct, or be attached to any fire-fighting equipment, window, door or opening used as a means of ingress or egress or for fire-fighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.
8. Any sign depicting specified sexual activities or specified anatomical areas.
9. Any sign using obscene or offensive language.
10. Notices, placards, bills, cards, posters, advertisements, or other signs mounted or placed in any fashion upon any lamppost, electric light, telegraph or utility pole, hydrant, tree or tree box, or upon any piers or columns located on or along the public streets and highways of Cecil County, except as such may be authorized or required by law.

#### **Section 264. Permit Required for Signs**

1. Except as otherwise provided in Sections 261, 262, and 268, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.
2. Signs not exempted under the provisions referenced in Subsection 1 may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a Building Permit and Zoning Certificate.
3. For any sign over 150 square feet in area or 25 feet in height at its highest point, the County may require review and approval of structural plans and designs, including the seal of a registered professional engineer legally permitted to practice in the State of Maryland.
4. All signs which employ electrical current of any means shall be reviewed and approved by the appropriate electrical inspector.

#### **Section 265. Sign Specifications**

1. No sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and a variance has been obtained from the County.
2. No part of a freestanding sign may exceed the height limitations of the particular zone in which it is placed unless otherwise specified by this Article.
3. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
4. Ground Sign
  - a. Notwithstanding any other provisions of this Article, no ground sign greater than thirty-five (35) square feet in area shall be permitted within twenty (20) feet of any residential zoning district; and no ground sign greater than fifty (50) square feet in area shall be permitted within forty (40) feet of any residential zoning district.
  - b. All ground signs shall have permanent foundations, shall be level, and shall be constructed according to specifications approved by the County with the application for a Building permit.

- c. No ground sign shall be placed closer to a road right-of-way more than five (5) feet or thirty-five (35) feet from the centerline of the road, whichever is greater.
- 6. Marquee Signs shall not project more than eighteen inches beyond the marquee faces or edges.
- 7. Projecting Sign
  - a. May not project into the setback required for a ground sign.
  - b. No projecting sign shall be permitted which obstructs or interferes or in any way becomes a hazard to the orderly movement of pedestrian or vehicular traffic.
- 8. Roof Sign
  - a. No sign may extend above the permitted height for the zone in which it is located.
  - b. Roof signs shall observe all building setbacks.
  - c. No roof sign shall be oriented toward any residential use.
- 9. Wall Sign
  - a. May not extend outward more than eighteen inches from the wall to which it is attached.
  - b. May not extend beyond the wall to which it is attached.
  - c. Wall signs may be erected on building walls which are nonconforming if they conform to a. and b. above.

#### **Section 266. Off-Site Advertising Signs**

Lighted or unlighted outdoor advertising signs shall only be permitted in the BG, BI, M1 and M2 Zones provided that the following are met:

- 1. The area of such signs are limited to four hundred (400) square feet;
- 2. No such sign shall be nearer than one hundred (100) feet to any residence located in an adjoining residential zone if designed to face into such zone and be visible therefrom.

3. The height of such sign shall not be greater than thirty-five (35) feet or the roof of the building on which erected; whichever is greater;
4. No off-site advertising signs shall be placed closer to a road right-of-way more than five (5) feet or 35 feet from the centerline of the road, whichever is greater.
5. No such sign shall be located within one hundred (100) feet of any intersection;
6. A sign may be illuminated if illumination is confined to the surface of the sign.

#### **Section 267. Maintenance of Signs**

1. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair.
2. If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
3. If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Section 268, which prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

#### **Section 268. Nonconforming Signs**

1. Subject to the remaining restrictions of this section, any sign legally existing on the effective date of this Ordinance which does not conform to the provisions thereof is classified as a legal non-conforming sign. Repair and maintenance of such signs is permitted, but if non-conforming as to size, no such sign shall be enlarged.
2. No person may increase the extent of nonconformity of a nonconforming sign. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance.

4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land.
5. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.

**Section 269. Maximum Total Sign Area by Zoning District**

See attached Table.

**Section 270. Reserved**

**Section 271. Reserved**



**Section 269. Maximum Total Sign Area by Zoning District**

<b>ZONE DISTRICT</b>	<b>NAR</b>	<b>SAR</b>	<b>RR</b>	<b>SR</b>	<b>TR</b>	<b>VR</b>	<b>DR</b>	<b>MH</b>	<b>RM</b>	<b>BL</b>	<b>BG</b>	<b>BI</b>	<b>MB</b>	<b>M1</b>	<b>M2</b>	<b>MEA</b>	<b>OS</b>	<b>PUD</b>
<b>Maximum square footage</b>																		
Freestanding Signs	12	12	12	16	16	16	16	16	16	40	400	400	64	400	400	40	12	16
Off-Site Signs	--	--	--	--	--	--	--	--	--	--	400	400	--	400	400	--	--	--
Building Signs	12	12	12	16	16	16	16	16	16	32	100	400	64	400	400	100	12	16

## **ARTICLE XIV      PARKING AND LOADING REQUIREMENTS**

### **Section 272.    General**

- 1.** All uses permitted shall be subject to the following minimum off-street parking requirements:
  - a.** Parking spaces shall be reserved for the particular use of the structure for which they are required and shall conform to the specifications in the Section 277 Table of Parking and Loading Requirements.
  - b.** Loading spaces shall be reserved for the particular use of the structure for which they are required and shall conform to the specifications in Section 276 and 277 below.
- 2.** With approval of the Cecil County Planning Commission and/or Office of Planning and Zoning, a portion of the required parking may be on a lot other than the one on which the proposed building or facility serviced by those parking spaces is located, provided that the proposed parking area has the same zoning classification as the proposed building or facility, and all applicable sections of this ordinance and the following criteria are met:
  - a.** If parking is to be provided off-site or off-lot, the parking facility shall adequately serve both adjacent proposed development, if any, and any potential use on the lot the Parking facility is proposed. If no development is to be proposed on the lot which will contain the Parking facility, a properly recorded instrument restricting further development and note referencing said instrument on all Plats or Plans must be approved by the approving authority.
  - b.** A parking plan is filed and approved by the Cecil County Planning Commission or the Office of Planning and Zoning.
- 3.** Required parking spaces shall be reduced by the Office of Planning and Zoning or the Planning Commission when an area is set aside as a park and ride facility in connection with a public or private multi-passenger transportation stop. Any proposal seeking this reduction by forming a private multi-modal or multi-passenger transportation system must be approved by the Cecil County Planning Commission or the Office of Planning and Zoning.

### **Section 273.    General Parking Specifications**

- 1.** Required parking space(s) for all uses shall conform with the requirements for that use as outlined in this Ordinance and Section 277 Table of Parking and Loading Requirements.

2. Parking shall be placed to adequately serve adjacent existing uses as practical.
3. Parking areas for non-residential uses shall be screened by the use of landscape materials, other plantings, berms and/or fencing from all residential uses to reduce heat, glare, noise, light, litter, and dust emanating from these areas and the proposed use. If a parking area is designed to serve one or more uses, the parking area may be designed to create an "interior court" on which uses may front, and the applicable landscape buffer and screening requirements may be modified as approved by the Cecil County Planning Commission or the Office of Planning and Zoning.
4. Landscaping, buffer and screening shall be required for all parking areas as per this Ordinance, unless modified as described above.
5. All parking area landscaping, buffer, screening, and surfacing must be maintained in good repair.
6. All access landscaping, buffers and screening must be located and designed so as not to obstruct free flow of traffic. There shall be adequate provisions for ingress and egress from all parking spaces to ensure ease of mobility, ample clearance and safety of vehicles and pedestrians.
7. Where sidewalks occur in parking areas, parked vehicles shall not overhang the sidewalk unless an additional one (1) foot is provided in order to accommodate such overhang.
8. Large parking areas, with over one hundred (100) spaces, shall be broken down into sections as appropriate for the type and size of development. Sections shall be separated by landscaped driveway strips, berms, and similar elements.
9. When the application of a unit of measurement for parking space to a particular use or structure results in a fractional space, any fraction under one-half shall be disregarded, and fraction over one-half shall be counted as one parking space.

10. Parking spaces and aisleways shall be designed in accordance with the following dimensional standards:

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Length</u>	<u>Aisleway Width</u>
90°	9 ft.	18 ft.	24 ft. for one or two way traffic
60°	9 ft.	19 ft.	18 ft. for one way traffic 22 ft. for two way traffic
45°	9 ft.	18 ft.	16 ft. for one way traffic 22 ft. for two way traffic
Parallel	9 ft.	22 ft.	16 ft. for one way traffic 22 ft. for two way traffic

#### **Section 274. Residential Parking Specifications**

1. Required off-street parking spaces shall be provided on the site with the proposed use, or on an off-site reserved parking area within walking distance of the proposed use.
2. Driveways shall be considered as constituting off-street parking spaces for one and two family dwellings in residential districts; provided that sufficient spaces are available on such driveways to meet the requirements of this article. Driveways shall measure not less than twelve (12) feet in width and eighteen (18) feet in length.
3. For Residential P.U.D.'s, on-street parking may be permitted in certain instances, when the development design and form dictate and when a Parking Plan is approved by the Cecil County Planning Commission.
4. Each required parking space shall measure not less than nine (9) feet in width and eighteen (18) feet in length.
5. Off-street parking in any non-residential use within any residential zone shall conform with the requirements for that non-residential use as outlined in Section 277 Table of Parking and Loading Requirements.
6. Required parking spaces for all residential uses shall conform with the requirements for that residential use as outlined in Section 277 Table of Parking and Loading Requirements.
7. Landscaping shall be provided as per Article X of this Ordinance.

### **Section 275. Business/Industrial Parking Specifications**

1. Required off-street parking spaces shall be provided on the site with the proposed use or on an off site reserved parking area within walking distance of the proposed use.
2. Off-street parking in any non-residential zone shall not be permitted closer than ten (10) feet from rights-of-way, easements, or alleyways and must be located outside of required bufferyards.
3. Each required parking space shall measure not less than nine (9) feet in width and not less than eighteen (18) feet in length.
4. Landscaping shall be provided as per Article X of this Ordinance.
5. Parking requirement for two (2) or more uses on the same property shall be the sum of the individual requirements for each unless a modification is granted by the Cecil County Planning Commission.
6. Parking Plans shall be required for all new Business and Industrial uses which shall show all required improvements as outlined herein.
7. Barriers shall be erected on all parking lots and designed and located to prevent parked vehicles from extending beyond property lines of parking areas.
8. On-street parking may be permitted in certain instances when design dictates, a parking plan must be approved by the Cecil County Planning Commission and the Office of Planning and Zoning.

### **Section 276. General Loading Specifications**

As required, off-street loading spaces which have unobstructed access to a street or alleyway shall be provided.

### **Section 277. Table of Parking and Loading Requirements**

Parking for all uses shall conform with the requirements for that use as outlined in the Table of Parking and Loading Requirements (See tables at the end of this Article).

### **Section 278. Reserved**

### **Section 279. Reserved**

## Table of Minimum Parking Requirements

USE	LOADING SPACE	OFF-STREET PARKING REQUIREMENT*
<b>RESIDENTIAL</b>		
Single Family Unit		2.0 spaces
Apartment		
1 Bedroom		1.8 spaces
2 Bedroom		2.0 space
3 Bedroom		2.5 spaces
Townhouse		
1 Bedroom		1.75 spaces
2 Bedroom		2.00 spaces
3 Bedroom		2.50 spaces
Manufactured Home		
1 Bedroom		1.8 spaces
2 Bedroom		2.0 spaces
Elderly Housing		1.0 space per unit
Rooming or Boarding House		1.0 space per roomer or boarder in addition to the normal required for the dwelling unit
<b>NON-RESIDENTIAL</b>		
Airports	As required	0.5 spaces per acre of land or minimum 20 spaces and 2 spaces for each plane tie down site
Assembly Hall	As required	1.0 space per every 100 sq. ft. GFA
Amusement Park	2	10 spaces per ride or activity area plus 1.0 spaces per employee
Appliance/Hardware Store	As required	2.0 spaces per every 1,000 sq. ft. GFA, plus 1.0 space per every 300 sq. ft. over 1,000 sq. ft. GFA.
Arenas, exposition halls, stadiums, race tracks, fairgrounds, etc.	5	1.0 space for every 2 seats and 1.0 space for each employee
Art Gallery	1	1.0 space per 150 sq. ft. GFA
Auditorium	As required	1.0 space per 3 permanent seats
Automobile salesrooms and repair shops	As required	1.0 space for each 500 feet sq. ft. GFA

### Table Notes:

**GFA = Gross Floor Area**

**GLA = Gross Leasable Area**

**\* When determination of the number of parking spaces required results in a requirement of a fractional space, any fraction shall be counted as one parking space.**

## Table of Minimum Parking Requirements

USE	LOADING SPACE	OFF-STREET PARKING REQUIREMENT*
Automobile service station	As required	1.0 space for each 100 sq. ft. GFA Minimum 10 spaces. Each service rack may be counted as one space but pump areas may not be counted
Bank and Other Financial Institutions		4.0 spaces per every 1,000 sq. ft. GFA
Beaches		1.0 space for each 10 lineal feet of beach frontage and 1.0 space per employee
Beauty Parlor, Barber Shop, and Personal Services		3.0 spaces per chair
Bed and Breakfast		1.0 space per guest room plus 2.0 spaces per owner's unit
Bowling Alley	1	5.0 spaces per alley
Bus Terminal		10.0 spaces per loading bay
Campground		3.0 spaces per 2 campground site
Car Wash, attended		10 spaces per washing lane
Car Wash, unattended		4 spaces per wash bay
Church/Synagogue		1.0 space per 3 seats
Clubs, lodges and related facilities	1	1.0 space per every 2 people at rated capacity
Coliseum, Stadium		1.0 space per 3 seats
Convenience Store	As required	1.0 spaces per every 250 sq. ft GFA
Day Care Center		1.0 space per adult attendant, plus 1.0 space per 500 sq. ft. GFA devoted to such use
Department Stores	2	4.0 spaces per every 1,000 sq. ft. GFA plus 1.0 spaces per employee on maximum shift
Equipment Sales/	2	2.0 spaces per every 1,000 sq. ft. GFA,
Service Shop/Wholesale		plus 1.0 space per every 300 sq. ft. GFA over 1,000 sq. ft.
Express Delivery Service	As Required	1.0 space per two employees on maximum shift, plus 1.0 space per each vehicle maintained in the premises

### Table Notes:

GFA = Gross Floor Area

GLA = Gross Leasable Area

\* When determination of the number of parking spaces required results in a requirement of a fractional space, any fraction shall be counted as one parking space.

## Table of Minimum Parking Requirements

USE	LOADING SPACE	OFF-STREET PARKING REQUIREMENT*
Fast Food Restaurant With or Without Drive-Through Facilities		1.0 space per 4 seats, plus 1.0 spaces per 2 employees on maximum shift. With drive-through facility, add 8 stacking spaces for the drive-through window
Funeral Establishments	2	1.0 space per 60 sq. ft. GFA and 1.0 per employee
Furniture Stores	2	1.0 space per 500 sq. ft. GFA, plus 1.0 space per employee on maximum shift
Golf Course		6.0 per hole
Group Homes		1.0 space per staff person, plus 1.0 space per 2 occupants
Health Club		10 spaces per every 1,000 sq. ft. GFA, plus 1.0 space per every 2 employees
Hospital, sanitariums		1.0 space per bed plus 1.0 spaces per employee on the largest shift, plus 1.0 space per hospital vehicle, 10 spaces for out-patient service
Hotel/Motel	2	1.0 space per room or motel unit, plus 1.0 space per employee on maximum work shift, plus 1.0 space per each 200 sq. ft. GFA commercial floor area contained therein
Indoor and Outdoor Commercial Recreation		1.0 space per 150 sq. ft. GFA and/or ground area devoted to such uses, or 1.0 space per 4.0 seats of facilities available for patron use as applicable
Industrial Uses	As required	1.0 space per employee at maximum projected capacity
Library	As required	1.0 space per 300 sq. ft. GFA
Maritime uses - commercial, community yacht club	As required	0.5 spaces per slip or mooring buoy
Wholesale Establishments	As required	1.0 space per 2.0 employees on the shift with the greatest employment, plus 1.0 space per 200 sq. ft GFA devoted to sales
Medical Center, Medical and Dental Offices, Clinics		1.0 space per 200 sq. ft. GFA

### Table Notes:

GFA = Gross Floor Area

GLA = Gross Leasable Area

\* When determination of the number of parking spaces required results in a requirement of a fractional space, any fraction shall be counted as one parking space.



## Table of Minimum Parking Requirements

USE	LOADING SPACE	OFF-STREET PARKING REQUIREMENT*
Outdoor Equipment and Machinery Sales	As required	1.0 spaces per 300 sq. ft. GFA of retail space
Minature Golf		2.0 spaces per hole
Nightclub		1.0 space per 2 seats
Nursing Home		1.0 space per 3 beds
Nurseries/Greenhouses	As required	1.0 spaces per 300 sq. ft. GFA of retail space
Offices, Business and Professional		1.0 space per 200 sq. ft. GFA
Pool or Billiard Hall		4.0 spaces per 1,000 sq. ft. GFA
Post Office	As required	1.0 space per 400 sq. ft. GFA devoted to patron use plus 1.0 space per 2.0 employees on the shift with greatest employment
Racquetball Courts		2.0 spaces per court
Railroad Station	As required	100 spaces minimum
Receiving Centers	As required	1.0 space per 5,000 sq. ft. GFA
Research Centers	As required	1.0 space per 1,000 sq. ft. GFA
Restaurant, Snack Bar, and Taverns	1	1.0 space per 5 seats, plus 2.0 spaces per 200 sq. ft. GFA
Retail Store	As required	1.0 space per 200 sq. ft. GFA
Schools		
- Kindergarten, Nursery School	1	4.0 spaces plus 1.0 for each classroom
- Elementary and Middle Schools	1	1.0 space every 20 classroom seats
- High Schools	1	1.0 space every 10 classroom seats
- College and universities	1	2.0 spaces per every 3.0 students plus 1.0 space per each staff member
Service Station	As required	4.0 spaces per bay and work area
Shipping Center	As required	1.0 space per 5,000 sq. ft. GFA
Shopping Center	As required	5.5 space per 1,000 sq. ft. GFA
Skating Rink	As required	1.0 space per 200 sq. ft. GFA
Social, Fraternal, Social Service, Union, Civic Organization Building		1.0 space per 60 sq. ft GFA plus 1.0 space per employee

### Table Notes:

GFA = Gross Floor Area

GLA = Gross Leasable Area

\* When determination of the number of parking spaces required results in a requirement of a fractional space, any fraction shall be counted as one parking space.

## Table of Minimum Parking Requirements

USE	LOADING SPACE	OFF-STREET PARKING REQUIREMENT*
Storage Areas	As required	1.0 space per 5,000 sq. ft. GFA
Self Storage Facility	As required	1.0 space per 20 storage stalls
Super Market, Grocery/Food Store	As required	3.0 spaces per 1,000 sq. ft. GFA 1.0 space per 4 persons of capacity plus
Swimming Pool, Tennis Courts and other Recreational facilities	As required	1.0 space per employee
Theater, Public Assembly, Meeting Establishments, Etc.	As required	1.0 space per each 2.0 seats
Veterinary Offices	As required	1.0 space per 400 sq. ft. floor space in office, with a 4 space minimum
Zoo	As required	1.0 space per 2,000 sq. ft. of land area

### Table Notes:

GFA = Gross Floor Area

GLA = Gross Leasable Area

\* When determination of the number of parking spaces required results in a requirement of a fractional space, any fraction shall be counted as one parking space.

## **ARTICLE XV        PERMITTING AND APPROVAL PROCESS**

### **Section 280.   Approvals**

- 1.**     All departments, officials and agencies of Cecil County that are vested with the duty or authority to grant approvals or to issue permits or licenses shall conform to the provisions of this Ordinance, and shall grant no approval nor issue any permit or license for any use, building, or purpose which would constitute a violation of this Ordinance. Any approval, permit or license granted or issued in conflict with the provisions of this Ordinance shall be null and void.
- 2.**     Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance and the Comprehensive Plan.

### **Section 281.   Zoning Certificates and Building Permits**

- 1.**     No building or other structure, except public utility lines, shall be erected, moved, or altered, without a Building Permit first being obtained.
- 2.**     No building, or other structure, or land shall be used, nor shall any building, structure, or land be converted, wholly or in part, to any other use, except for agriculture, permitted under the provisions of this Ordinance, until a Zoning Certificate certifying compliance with these regulations, has been issued by the Zoning Administrator.
- 3.**     No zoning certificate or building permit shall be issued which is not in conformity with the provisions of this Ordinance, or other applicable regulations, except after written order from the Board of Appeals.
- 4.**     All applications for zoning certificates and building permits shall be accompanied by a plot plan in duplicate, detailing the information required for plot plans in Appendix A, and any other information that may be required by the Zoning Administrator to determine conformance with and to provide for enforcement of this Ordinance.
- 5.**     If the work described in any zoning certificate or building permit has not begun within one year from the date of issuance thereof, said certificate and permit shall expire. Further, if the work described has not been substantially completed within two years of the date of issuance, unless work is satisfactorily proceeding (in the opinion of the Zoning Administrator), the zoning certificate and building permit shall likewise expire. This shall not, in either instance, prevent the person affected from seeking a new zoning certificate and building permit insofar as the proposed work complies with all laws regarding the application that are applicable at that time.

## **Section 282. Adequate Public Facilities**

Pursuant to Article B, Section 10.01, Cecil County maintains the authority to enact "Adequate Public Facilities" regulations, including but not limited to Water Supply, Sewers, Roads, Public Schools, Police, Fire and Rescue Services, Storm Drainage and Utilities.

## **Section 283. Severability**

1. Nothing in this section or other sections of the Zoning Ordinance shall be construed to exempt any applicant for a permit from compliance with all local, state, and federal codes, statutes, and regulations.
2. No building permit which was lawfully issued prior to the original effective date of this Ordinance and which is in full force and effect at said date shall be invalidated by the passage of this Ordinance.

## **Section 284. Permit Application Requirements and Procedures**

1. All applications for permits shall be accompanied by such plans and information as Cecil County deems to be necessary to determine compliance and provide for enforcement of this Zoning Ordinance. The application materials listed in Appendix A shall be the minimum. Additional information may be required.
2. After reviewing the application materials, the Zoning Administrator shall mark the application either as "Approved" or "Disapproved" and attest to the same by signature on such copy.

## **Section 285. Reconsideration of Board Action**

1. Whenever the Board of Appeals disapproves an application for a special exception or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective Board at a later time unless the applicant clearly demonstrates that:
  - a. Circumstances affecting the property that is the subject of the application have substantially changed, or
  - b. New information is available that could not with reasonable diligence have been presented at a previous hearing.
  - c. A court of competent jurisdiction has ordered a remand.
2. Notwithstanding Subsection 1, the Board of Appeals may at any time consider a new application affecting the same property as an application previously denied. A new

application is one that differs in some substantial way from the one previously considered.

#### **Section 286. Maintenance of Common Areas, and Facilities**

The recipient of any zoning certificate, building permit or other permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this Ordinance or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the County. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

#### **Section 287. Records of Zoning Administrator**

The Zoning Administrator shall keep records of all zoning permits issued under this Ordinance; maintain permanent and current records related to the Ordinance, including zoning maps, amendments, special exceptions, variances, appeals, and planned unit development site plans.

#### **Section 288. Structures and Uses to be as Provided in Building Permits, Plans, and Zoning Certificates**

1. Building permits or zoning certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such permits, plans, and certificates, and no other. The use, arrangement or construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance.
2. Permits are issued under this Ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued and all development shall occur strictly in accordance with such approved plans and applications.

#### **Section 289. Sketch Plat**

A sketch plat prepared in accordance with Article IV of the Cecil County Subdivision Regulations and this Ordinance shall be required for all applications for Planned Unit Development.

## **Section 290. Minor Site Plans**

1. The purpose of minor site plans is to assure that certain minor improvements are consistent with the applicable requirements of this Ordinance. Development requiring a minor site plan shall only be permitted in accordance with the approved plan.
2. Minor site plans shall be approved by the Office of Planning and Zoning. A proposed minor site plan may be attached by the applicant to the building permit application of the proposed improvement and shall be reviewed by the Office of Planning and Zoning concurrently with the building permit.
3. Minor site plans shall be prepared and certified by an engineer, architect, landscape architect, or land surveyor duly registered to practice in the State of Maryland.
4. All minor site plans shall clearly show the required information shown in Appendix A.

## **Section 291. Major Site Plans**

1. The purpose of major site plans is to assure detailed compliance with applicable provisions of enacted regulations and to prescribe standards for the design and construction of site improvements.
2. Site plans for all residential development and manufactured home parks shall be prepared and approved as set forth in the Cecil County Subdivision Regulations, as amended, in addition to the requirements of this Ordinance.
3. Development requiring major site plan approval shall be permitted only in accordance with all specifications contained on an approved site plan, and shall not be undertaken until the site plan is approved and all required construction permits have been obtained subsequent to such approval.
4. Site plans for developments, where required in this Ordinance, shall be prepared and submitted as described in Appendix A and approved by the Office of Planning and Zoning. Such office may, at its discretion, waive or modify certain of the requirements stated below in cases where strict compliance with all the requirements would impose an unnecessary burden on the applicant.
5. Upon determination by the Zoning Administrator, in those cases where a field inspection indicates that the scope of the proposed building, addition, accessory use, or special exception is of such a nature that the provisions for the handling of natural and stormwater, sediment control, off-street parking, set-backs, water and sewerage, and other requirements cannot be adequately addressed with a building permit or minor site plan, a major site plan shall be required.

6. Information required to be included in a major site plan shall be as shown in Appendix A.
7. Major site plans shall be prepared and certified by an engineer, architect, landscape architect, or land surveyor duly registered to practice in the State of Maryland.
8. If such plans are prepared in more than one sheet, match lines shall clearly indicate where the several sheets join and an index sheet shall be required.
9. An appropriate number copies of all major site plans shall be submitted to the Office of Planning and Zoning. Such office may require that additional copies be provided when necessary.
10. The following procedure will be followed in the review of major site plans:
  - a. Upon receipt of the major site plan, the Office of Planning and Zoning shall review such plan, soliciting comments from other departments, agencies, and officials as such office may deem appropriate. The entity responsible for the preparation of the site plan shall provide verification to the Office of Planning & Zoning that all adjoining property owners to the subject property have been notified of the site plan submittal. Notification of adjoining property owners shall be made by certified mail and verification shall be made by presenting the return receipts to the County. The site plan shall be approved if it meets the requirements of this section, Appendix A, other requirements of this Ordinance and all other Federal, State, and County regulations. Notice of approval or disapproval of the site plan shall be given in writing to the applicant.
  - b. Where the Office of Planning and Zoning finds that, because of unusual circumstances of shape and topography or other features or conditions of the proposed development or because of the nature of adjacent development, extraordinary hardships may result from strict compliance with regulations for frontages, setbacks or buffers, the Office of Planning and Zoning may grant a modification of such regulations when requested by the developer. No such modification involving Critical Area Requirements is permitted inside the Chesapeake Bay Critical Area without review by the Chesapeake Bay Critical Area Commission. Nor shall any such modification be granted that will have the effect of nullifying the intent and purpose of the Comprehensive Plan, Subdivision Regulations, these regulations or any other pertinent rules, regulations or laws, of the County. In granting modifications, the Office of Planning and Zoning may require such conditions as will, in its judgment, secure substantially the objectives of the standards of the requirements so waived or modified. Any modification of these regulations for a particular development shall be noted on the final site plan and appear in the records of the Office of Planning and Zoning.

**11. Construction of required improvements.**

- a.** Upon approval of a site plan, the applicant shall then secure the necessary construction permits from appropriate agencies before commencing work. The applicant may construct only such improvements as have been approved by the Office of Planning and Zoning.
- b.** After construction has been completed, inspection of site improvements shall be made by the departments certifying to the applicable requirements as shown on the site plan. The applicant shall then secure a certificate of occupancy before use of the site may commence.
- c.** For manufactured home parks, multi-family development, and campgrounds, the approved site plan shall be recorded in the office of the Clerk of the Court. Prior to such recordation a Public Works Agreement guaranteeing construction of required improvements shall be executed between the developer and the County through the Department of Public Works.
- d.** The installation of improvements as set forth in this Ordinance shall not bind the County to accept such improvements for the maintenance, repair and operation thereof; requirements for said improvements shall be in addition to (and not in lieu of) any other legal requirements.

**12. Expiration and Extension**

- a.** Approval of site plans shall be for a two (2) year period and shall expire at the end of such period unless building construction has begun.
- b.** Upon written request by the applicant, within thirty (30) days prior to the expiration of said approval, a one (1) year extension may be given by the Office of Planning and Zoning.
- c.** Such request shall be acknowledged and a decision rendered thereon not more than thirty (30) days after filing of said request.

**13. The County Commissioners shall establish fees for the review of site plans.**



## **Section 292. Manufactured Home - Single Wide - Licenses**

A Cecil County Manufactured Home License shall be required on all single-wide manufactured homes located on individual lots, except where the single-wide manufactured homes are located in Manufactured Home Parks, Manufactured Home Subdivisions, or within the Manufactured Home District. This provision shall apply whether the said manufactured homes were located on land prior to or after the effective date of this section.

1. Single-wide manufactured homes, whether "non-conforming, farm help, or special exception", located on individual lots at the effective date of adoption of this section shall be licensed by the property owner on whose land the single-wide manufactured home sits, within six (6) months from the effective date of this section.
2. The fee for all single-wide manufactured homes shall be \$15.00 per annum.
3. Single-wide manufactured home licenses shall expire one (1) year from the date of issuance and shall be renewed for as long as the single-wide manufactured home remains legally on the lot.
4. Single-wide manufactured home licenses are non-transferable and shall expire upon removal of the single-wide manufactured home from the property.

## **Section 293. Property Disclosure and Hold Harmless Statement**

Prior to the issuance of a building permit for landlocked property or property lacking public water or sewer lines along its frontage, the following document shall be signed by the property owner(s):

### **PROPERTY DISCLOSURE AND HOLD HARMLESS STATEMENT**

THIS DISCLOSURE AND HOLD HARMLESS STATEMENT CONCERNS REAL PROPERTY LOCATED IN CECIL COUNTY, MARYLAND, DESCRIBED AS

THIS STATEMENT IS DISCLOSURE THAT THE SUBJECT PROPERTY DOES NOT HAVE FRONTAGE ON A PUBLICLY MAINTAINED ROAD. THIS STATEMENT IS A DISCLOSURE THAT THE SUBJECT PROPERTY DOES NOT HAVE PUBLIC WATER OR SEWER LINES AVAILABLE AT ITS FRONTAGE.

### **PROPERTY OWNER'S INFORMATION**

You are hereby advised that it is the property owner's responsibility to obtain right-of-way

along paper street to gain access to the public road and you are further advised that this is a private matter between the landlocked property owner and the owner(s) of the paper street or property between the subject property and the public road. Affixing the property owner's signature acknowledges the aforesaid notification and holds the County harmless for the issuance of a building permit for the subject property.

You are hereby notified that it is the property owner's responsibility to obtain right-of-way along paper street to gain access for the water and sewer line and you are further notified that it is a private matter between the landlocked property owner and the owners(s) of the paper street and/or property between the subject property and the public water and sewer lines. Affixing the property owner's signature acknowledges the aforesaid notification and holds the County harmless for the issuance of a building permit for the subject property. The property owner further agrees that any interim septic system will be abandoned when the public sewer is extended and the interim well will be abandoned and sealed when the public system is extended.

I HAVE READ THIS DISCLOSURE STATEMENT AND HOLD HARMLESS AGREEMENT AND I ACKNOWLEDGE AND AGREE TO THE STATEMENTS CONTAINED HEREIN.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner

**Section 294. Reserved**

(Amended 7/17/07)

## **ARTICLE XVI      ADMINISTRATIVE MECHANISMS**

### **Part I Planning Commission**

#### **Section 295. Planning Commission Established**

1. Pursuant to and in conformance with the provisions of Article 66B, Code of Public General Laws of Maryland, a Planning Commission is hereby established. The Commission shall consist of six (6) members plus an alternate who shall serve in the absence of a regular member, and a member of the Board of County Commissioners, which member shall serve as an ex-officio, non-voting member. In the appointment of members of the Planning Commission, the Board of County Commissioners shall solicit and consider recommendations from the Director Office of Planning and Zoning. Prior to assuming their duties, new members of the Planning Commission shall be required to read and understand applicable County laws and regulations, including the Cecil County Comprehensive Plan, Zoning Ordinance, and Subdivision Regulations.
2. Beginning in August 1993, in order to stagger the terms of the Planning Commission members, two (2) regular members and the alternate member of the Planning Commission shall be appointed for one (1) year terms; two (2) regular members shall be appointed for two (2) year terms; and two (2) regular members shall be appointed for three (3) year terms. Each member shall then serve five (5) year terms. The terms of the ex-officio member shall run concurrent with his or her term of office. Vacancies occurring during a member's term shall be filled by appointment by the County Commissioners for the unexpired portion of the term.
3. The Commission shall meet monthly and at other times at the call of the Chairman. The Office of Planning and Zoning shall be represented at all meetings of the Planning Commission, and shall provide such staff support as may be required by the Commission. Four voting members of the Commission shall constitute a quorum. A minimum of three (3) members voting shall be required to effect a decision of the Commission.
4. Meetings of the Commission shall be conducted in accordance with Roberts Rules of Order. The staff of the Office of Planning and Zoning shall be present during all deliberations by the Planning Commission and shall answer such questions and render such advice and assistance as may be appropriate to the action being taken, but such staff shall not participate in the decision of the Commission beyond the submitting of a staff recommendation as to the action proposed to be taken in each case. The Commission may establish such other rules of procedure as deemed necessary, consistent with this Ordinance.

5. The deliberations of the Planning Commission shall be open to the public, but public participation shall be limited to periods during which testimony is permitted. Minutes shall be kept of all Planning Commission proceedings.
6. The Commission shall elect a Chairman from among the six (6) regular members. The term of Chairman shall be one (1) year, with eligibility for reelection.
7. A member of the Planning Commission may be replaced by the County Commissioners if such member fails to attend three (3) or more consecutive meetings of the Commission, or more than six (6) regular meetings in any calendar year.
8. The Planning Commission shall have the following powers and duties:
  - a. Review, evaluate, and approve or disapprove plans for subdivisions in accordance with this Ordinance and the Cecil County Subdivision Regulations;
  - b. Review and make recommendations to the Board of County Commissioners regarding:
    - (1) Proposed changes or amendments to the Cecil County Comprehensive Plan.
    - (2) Proposed amendments to the Cecil County Chesapeake Bay Critical Area Program.
    - (3) Proposed amendments to the Cecil County Zoning Ordinance.
    - (4) Proposed acquisition and development of lands for open space or recreation purposes.
    - (5) Proposed designation of historic sites or districts.
    - (6) Proposed changes or amendments to the County Subdivision Regulations.
    - (7) Proposed changes or amendments to the Cecil County Road Code.
    - (8) Proposed changes or amendments to the Cecil County Master Sewer and Water Plan.
    - (9) Proposed changes in land use or development arising from state or federal programs or policies.
    - (10) Proposed annexations.

- (11) Proposed amendments to the Cecil County Forest Conservation Regulations.
  - (12) Annual review of the Capital Improvement Program.
  - c. Make recommendations to the Board of Appeals regarding applications for Special Exceptions.
9. Appeals of Planning Commission decisions shall be taken to Circuit Court.

#### **Section 296. Advisory Committees**

1. From time to time, the County Commissioners may appoint one or more individuals to help the Planning Commission carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the County Commissioners may appoint advisory committees to consider such things as the comprehensive development plan, zoning ordinance, economic development plans, etc.
2. Members of such advisory committees shall sit as nonvoting members of the Planning Commission when such issues are being considered and lend their talents, energies, and expertise to the Planning Commission. However, all formal recommendations to the County Commissioners shall be made by the Planning Commission.
3. Nothing in this section shall prevent the County Commissioners from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the County Commissioners.

#### **Section 297. Technical Advisory Committee**

The Planning Commission may organize a Technical Advisory Committee composed of staff members of the Planning Office, the Public Works Department, the State Highway Administration, County Health Department, Board of Education, County Soil Conservation Department, and any other department or agency concerned with development; as well as a citizen at-large to be designated by the Planning Commission along with representatives of the local utility companies and the County Home Builders Association to assist developers in getting information and technical assistance in the review of development proposals. The authority granted the Technical Advisory Committee shall be as specified in the Cecil County Subdivision Regulations.

## **Part II Board of Appeals**

### **Section 298. Board of Appeals Established**

- 1.** Pursuant to Article 66 B, Code of Public General Laws of Maryland, a Board of Appeals is hereby established, which shall consist of five (5) members to be appointed by the County Commissioners.
- 2.** The County Commissioners shall designate one (1) alternate member for the Board of Appeals, who shall sit on the Board in the absence of any member of the Board.
- 3.** The terms of any existing Board of Appeals members duly appointed under the terms of a previous Zoning Ordinance shall continue for the duration of that term. However, beginning in August 1994, in order to stagger the terms of the Board of Appeals members, one (1) regular member and the alternate member of the Board of Appeals shall be appointed for one (1) year terms; two (2) regular members shall be appointed for two (2) year terms; and two (2) regular members shall be appointed for three (3) year terms. Each member shall then serve three (3) year terms. Vacancies shall be filled by appointment by the County Commissioners for the unexpired portion of the term. The Board shall elect one (1) of its five (5) regular members as Chairman, whose term as Chairman shall be three (3) years. A member of the Board of Appeals may be replaced by the County Commissioners if such member fails to attend three (3) or more consecutive meetings of the Board, or fails to attend six (6) meetings in any calendar year.
- 4.** The Board of Appeals shall have the following powers and duties:
  - a.** To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator or any other administrative official in the enforcement of this ordinance.
  - b.** To hear and decide special exceptions as provided in Article XVII, Part II of this Ordinance.
  - c.** To authorize upon application a variance from the provisions of this Ordinance, as provided in Section 306 herein.

In exercising the above powers, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination which has been appealed from, to the extent that such action is consistent with the provisions of this Ordinance.

The applicant for a special exception or variance and the appellant in an appeal shall have the burden of proof (including the burden of going forward with the evidence and the burden of persuasion) of all questions of fact.

**5. Proceedings of the Board of Appeals.**

- a.** Meetings of the Board of Appeals shall be held as scheduled by the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.
- b.** The staff of the Office of Planning and Zoning shall be present during all deliberations by the Board of Appeals and shall answer such questions and render such advice and assistance as may be appropriate to the action being taken, but such staff shall not participate in the decision of the Board beyond the submitting of a staff recommendation as to the action proposed to be taken in each case.
- c.** The Board of Appeals shall adopt such other rules of procedure as it deems appropriate provided such rules are consistent with the provisions of this Ordinance and with applicable State enabling legislation.
- d.** The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon question, or if absent or failing to vote indicating such fact, and shall keep records of its official actions.
- e.** The deliberations of the Board of Appeals shall be open to the public, but public participation shall be limited to periods during which testimony is permitted.

**6. Quorum and Voting.**

- a.** Three (3) members of the Board shall constitute a quorum for the conducting of business.
- b.** A minimum vote of three (3) members of the Board shall be required to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any manner upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

**7. Hearings, Appeals, Notices.**

- a.** Appeals to the Board of Appeals shall be filed within fifteen (15) days of the signing of the decision from which the appeal is taken. Appeals shall be filed with the Office of Planning and Zoning and with the Board of Appeals and shall specify the grounds thereof. The Office of Planning and Zoning shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appealed was taken.
- b.** The Board of Appeals shall fix a reasonable time for the hearing of appeals and requests for variances and special exceptions, give public notice thereof as well as due notice to the parties in interest, and hold the public hearing within sixty (60) days from the date of request of appeal notice was filed. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. At the hearing, any party may appear in person or by agent or attorney. The Board shall then decide the matter within thirty-five (35) days from the time of hearing, such decision to become effective as of the date the decision is signed by the Chairman of the Board of Appeals or his designee; provided, however, that no application may be withdrawn once a hearing has begun before the Board concerning any such application.

**Part III Other Administrative Provisions**

**Section 299. Zoning Administrator**

- 1.** The administration and enforcement of the provisions of this Ordinance shall be, except as otherwise specified in this Ordinance, within the scope of responsibility of the Director, Office of Planning and Zoning. Within this office, there is hereby established the position of County Zoning Administrator. The Director, Office of Planning and Zoning shall recommend a person to fill the position of County Zoning Administrator and the County Commissioners shall appoint a person to this position.
- 2.** The Zoning Administrator shall be a regular County employee. He shall perform such duties and responsibilities in the administration and enforcement of this Ordinance as are hereinafter set forth, and such other duties as may be assigned by the Director.
- 3.** The Zoning Administrator may be provided with such assistance in the carrying out of his responsibilities under this Ordinance as may be sanctioned by the County Commissioners.
- 4.** It shall be the duty of the Zoning Administrator to administer and enforce the provisions of this Ordinance. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land,

(Amended 12/19/06 and 5/1/07)



buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; he shall order discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions, including the issuance of Stop Work Orders.

5. He shall be empowered to enter properties and make inspections to determine compliance with this Ordinance; and shall, pursuant to such duties, have the right to apply for and receive search warrants when they may be necessary to carry out his duties.
6. It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator, that he shall render a decision thereon, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator.
7. The Zoning Administrator, or his representative, shall be required to attend all proceedings of the Planning Commission, Board of Appeals, and County Commissioners, at which matters of zoning are considered. He shall advise the Planning Commission on zoning matters related to the review, amending, or implementation of the Comprehensive Plan, on zoning implications of subdivision review, and on other matters as appropriate.
8. He shall issue Zoning Certificates, shall maintain records of all permits issued under this Ordinance, and shall maintain other records pertaining to this Ordinance including zoning maps, amendments, variances, conditional uses, appeals, and decisions. He shall receive and keep records of written complaints of violations of this Ordinance, shall investigate and verify all such complaints, and shall take appropriate action regarding complaints without undue delay.

### **Section 300. County Commissioners**

The County Commissioners are the local elected legislative body. The County Commissioner's primary responsibility relative to this Ordinance shall be to make final decisions on zoning amendment applications and to make such appointments as identified in this Ordinance. In considering proposed changes in the text of this Ordinance or in the zoning map, the Commissioners act in their legislative capacity and must proceed in accordance with the requirements of Article XVII, Part IV.

### **Section 301. Fees and Charges**

The County Commissioners shall establish a schedule of fees, charges, and expenses and a collection procedure, for zoning certificates, building permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the offices of the Zoning

Administrator and may be altered or amended only by the County Commissioners, upon recommendation of the Office of Planning and Zoning.

**Section 302. Legal Counsel**

The County Commissioners shall appoint legal counsel to the Board of Appeals and Planning Commission. Said legal counsel shall be present at all meetings as necessary to give such legal advise as needed and as directed by the Commission or Board Chairman.

**Section 303. Reserved**

**Section 304. Reserved**

## **ARTICLE XVII      APPEALS, VARIANCES, INTERPRETATIONS, SPECIAL EXCEPTIONS, AMENDMENTS AND PROCEDURES**

### **Part I              Appeals, Variances and Interpretations**

#### **Section 305.      Appeals**

1. An appeal from any final order or decision of the Zoning Administrator or Planning Commission, excluding subdivision approvals, may be taken to the Board of Appeals by any person aggrieved. An appeal is taken by filing with the Zoning Administrator and the Board of Appeals a written notice of appeal specifying the grounds therefore. A notice of appeal shall be considered filed with the Zoning Administrator and the Board of Appeals when delivered to the Department of Planning and Zoning and when the application fee is paid. The date and time of filing shall be entered on the notice by the Zoning Administrator or other staff members.
2. An appeal must be filed within fifteen (15) days after the date of the Planning Commission decision or Zoning Administrator's decision.
3. Whenever an appeal is filed, the Zoning Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record relating to the action appealed from.

#### **Section 306.      Variances**

1. Variances, as defined in Article II, may be granted by the Board of Appeals. In addition, due to special features of a site or other circumstances where a literal enforcement of provisions relating to the Critical Area District would result in unwarranted hardship to a property owner, the Board of Appeals may grant a variance of the Critical Area District. An unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.
2. The Board shall examine all facts of the case and render a decision based on the following criteria:
  - a. The variance request is based on a situation where, because of special conditions, a literal enforcement of the provisions of the Ordinance would deprive the applicant of a right commonly enjoyed by other parties in the same zone under the terms of this Ordinance.
  - b. Special conditions and circumstances exist that are peculiar to the land, building or structure involved, and that are not applicable to other lands, buildings, or structures in the same zone, such conditions and circumstances not being the result of actions by the applicant.

(Amended 11/16/04)

- c. The granting of the variance will not confer on the applicant any special privileges that are denied by this Ordinance to other properties in the same zone.
- d. The variance request does not arise from any condition related to land or building use, either permitted or non-conforming, on any neighborhood property.
- e. Variance requests in the Critical Area District shall not be granted unless the decision is based on the following additional criteria:
  - (1) Special conditions or circumstances exist that are unique to the subject property or structure and a strict enforcement of the provisions within the Critical Area District would result in unwarranted hardship that is not generally shared by owners of property in similar management areas (i.e., IDA, LDA, RCA) of the Critical Area.
  - (2) Strict enforcement of the provisions within the Critical Area District would deprive the property owner of rights commonly shared by other owners of property in similar management areas within the Critical Area District.
  - (3) The granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the Critical Area District.
  - (4) The variance request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
  - (5) The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area District, and that the granting of the variance will be consistent with the spirit and intent of the County's Critical Area Program and associated ordinances as well as state law and regulations adopted under Subtitle 18 of the Natural Resources Article and COMAR 20.01.
  - (6) Greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance.

- 3.** A variance in the Critical Area District will not be granted by the Board of Appeals unless and until:
- a.** A completed application form for a variance is submitted that demonstrates the applicability of the above criteria. In addition, requests for variance in the Critical Area District shall not be heard unless the state's Critical Area Commission has received a copy of the variance request prior to the scheduled public hearing.
  - b.** The Board of Appeals shall find that the reason set forth in the application justifies the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structures. In making this determination for variance requests in the Critical Area District, the Board of Appeals shall consider the following as tantamount to a minimum variance:
    - (1)** The granting of a variance to the yard and/or Buffer requirements results in new structures or impervious surfaces being located as far back from Mean High Water Line, tidal wetlands, or tributary streams in Critical Area as is feasible; and
    - (2)** The applicant takes steps to mitigate impacts, insofar as possible, including:
      - i.** Reforestation on the site to offset disturbed forested or developed woodlands on at least an equal area basis;
      - ii.** Afforestation of areas of the site so that at least fifteen (15) percent of the gross site is forested; and,
      - iii.** Implementation of any mitigation measures that relate to Habitat Protection Areas, Threatened or Endangered Species, or Species in Need of Conservation, and Plant and Wildlife Habitats, as delineated in the Cecil County Critical Area Program, recommended by state and/or County agencies, are included as conditions of approval.
    - (3)** The Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, shall not result in a use not permitted in the zone in which the property subject to variance is located, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- (4) For variances in the Critical Area District, the Board of Appeals shall find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and the Cecil County Critical Area Program shall not result in a use not permitted in the management area (i.e., IDA, LDA, RCA) or an increase in the number of permitted dwelling units (i.e., density limits) in which the property subject to the variance is located, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
  - (5) In addition and to the extent possible based on best available information, all property owners immediately contiguous to the application shall be notified by Certified Mail and furnished a copy of the said application.
- c. In granting a variance, the Board of Appeals may prescribe such conditions and safeguards as it deems appropriate that comply with the intent of this Ordinance and the Cecil County Critical Area Program. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 340 of this Ordinance.
- d. In considering an application for a variance, the County shall presume that specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of Natural Resources Article, Title 8, Subtitle 18, COMAR Title 27, and the requirements of the County's Critical Area Program.
- e. If the variance request is based on conditions or circumstances that are the result of actions by the applicant, including commencement of development activity before an application for a variance has been filed, the County may consider that fact.
- f. An applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in paragraph d above.
- g. Based on competent and substantial evidence, the County shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established above.
- h. With due regard for the person's experience, technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:
  - (1) The applicant;
  - (2) The County or any other government agency; or

(Amended 11/16/04)

- (3) Any other person deemed appropriate by the County.

## **Part II        Special Exceptions**

### **Section 307.    Initiation of Special Exceptions**

1.     The intent of this Article is to establish procedures and minimum standards to be used as guidelines for the consideration and authorization of those uses classified as special exceptions under the respective District regulations.
2.     The granting of a special exception does not exempt the applicant from complying with all other requirements of this Ordinance or of the law.
3.     Any property owner or other person with an enforceable legal interest in a property may file an application to use such land for one or more of the special exceptions provided in the zoning district in which the land is located.

### **Section 308.    Application for Special Exception**

Such application for special exception shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and/or data as necessary, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards hereinafter set forth. Such application shall be forwarded from the Zoning Administrator to the Board of Appeals for review and decision in accordance with the Office and Planning and Zoning's submission deadlines and scheduling policies.

### **Section 309. Hearing on Application**

1. The Board of Appeals shall hold a public hearing on each application for a special exception at such time and place as shall be established by the Board of Appeals. The hearing shall be conducted and a record of such proceedings and official action shall be preserved in the minutes of verbatim transcript taken by the Board of Appeals.
2. Notice is required as provided in Section 317.

### **Section 310. Authorization**

For each application for a special exception, the Board of Appeals shall normally, conduct its public hearing and report its findings and decisions, including the stipulations or additional conditions and guarantees deemed necessary for the protection of the public interest.

### **Section 311. Standards - General**

No special exception shall be approved by the Board of Appeals after considering all facts in the case unless such Board shall find:

1. Such use or any operations thereto will not be detrimental to or endanger the public health, safety, or general welfare.
2. The use will not be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor substantially diminish or impair property values in the neighborhood.
3. The establishment of the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zone.
4. The use will not, with respect to existing development in the area and development permitted under existing zoning, overburden existing public facilities, including schools, police and fire protection, water and sewer, public road, storm drainage, and other public improvements.
5. The use shall not adversely affect critical natural areas or areas of ecological importance.
6. The use shall, in all other respects, conform to the applicable regulations of the zone in which it is located.
7. That the particular use proposed at the particular location proposed, would not have any adverse effect above and beyond those inherently associated with such special exception use irrespective of its location in the zone. (Schultz v. Pritts, 291 MD.1)



8. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
9. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the County.

#### **Section 312. Conditions and Guarantees**

1. In granting any special exception, the Board of Appeals may prescribe such conditions and safe guards, including but not limited to time limitations, as it may deem appropriate which conform to the intent of this Ordinance and the Comprehensive Plan.
2. Violation of such conditions and safeguards when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Section 314 or 340 of this Ordinance at the discretion of the Zoning Administrator.
3. The Board of Appeals may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall render the special exception null and void.

#### **Section 313. Approval of Special Exceptions**

A special exception shall not be granted by the Board of Appeals unless and until:

1. A completed application form for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
2. The Office of Planning and Zoning and the Planning Commission have reviewed the application and have stated their recommendations to the Board.
3. Where requested by the Office of Planning and Zoning, the applicant has obtained written comments on the application from other agencies.
4. The public hearing shall be held and notice of hearing shall be given as per Section 317.
5. Any party may appear in person, or by agent or attorney.
6. The Board of Appeals shall make a finding that it is empowered under the section of

this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

7. The decision of the Board on a special exception shall be effective as of the date such a decision is signed by the Chairman of the Board of Appeals or his designee; provided, however, that no application may be withdrawn once a hearing has begun before the Board with regard to any application submitted to the Board.

#### **Section 314. Revocation**

1. Failure to Comply with Conditions. Whenever the Zoning Administrator shall find, in case of any permit heretofore or hereafter granted pursuant to the provisions of this Article that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with the Zoning Administrator shall notify the Board of Appeals and all parties concerned. The Board is authorized, after due notice to all parties concerned and granting full opportunity for a public hearing, to suspend or revoke such permit or take other action as it deems necessary to ensure compliance. The Board is authorized to request and obtain investigations and reports as to compliance from such County or state agencies or administrative officers as may be appropriate.
2. Abandonment. Whenever the Zoning Administrator shall determine that a Special Exception appears to have been abandoned, the Zoning Administrator shall notify the Board of Appeals. Upon receipt of such notice the Board shall review the Zoning Administrator's determination at a public hearing. Notice thereof shall be given to the parties to whom the Special Exception has been granted and to all parties who would be entitled to receive notice of a new application for Special Exception concerning the property. The applicant shall show cause why the Special Exception shall not be revoked. The Board shall decide the matter and issue an opinion.

#### **Section 315. Pre-existing Special Exception Use**

1. Special exceptions granted by the Board of Appeals under the previous zoning ordinance shall continue in effect under this Ordinance only to the extent they are permitted as special exceptions under this Ordinance.
2. Where such previously granted special exceptions are not permitted as special exceptions under this Ordinance, such uses shall be considered as non-conforming uses.
3. A legal use existing at the time of adoption of this Ordinance, even though such use requires a special exception under this Ordinance, shall after adoption of this Ordinance be considered a conforming use. However, if such use ceases to exist for a period of ninety (90) consecutive days, any future use shall conform to the provisions of this Ordinance.

(Amended 12/19/06 and 5/1/07)

**Part III      Hearing Procedures for Appeals, Variances, Special Exceptions or  
Petitions of Revocation**

**Section 316.   Hearing Required on Appeals and Applications**

1.      Before making a decision on an appeal or an application for a variance, special exception, or a petition from the Zoning Administrator or Director of Planning to revoke a special exception, the Board of Appeals shall hold a hearing on the appeal or application in accordance with its policies for submission deadlines and scheduling.
2.      Subject to Subsection 3, the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
3.      The Board of Appeals may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
4.      The Board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

**Section 317.   Notice of Hearing**

The Administrator shall give notice of any hearing required in Section 316 as follows:

1.      Notice shall be given at least fifteen (15) days in advance of public hearing. Notice of such hearings shall be posted on the subject property and at the County Court House, and notice shall be published in a newspaper of general circulation in the County, at least fifteen (15) days prior to the public hearing.
2.      Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice before the hearing.

3. To the extent possible based on best available information, all property owners immediately contiguous to the application shall be notified by Certified Mail and furnished a copy of the said application.
4. The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

### **Section 318. Evidence**

1. The provisions of this section apply to all hearings for which a notice is required by Section 316.
2. All persons who intend to present evidence to the Board, shall be sworn.
3. All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

### **Section 319. Modification of Application at Hearing**

1. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Appeals, the applicant may agree to modify his application, including the plans and specifications submitted.
2. Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the planning staff.

### **Section 320. Record**

Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the County.

### **Section 321. Written Decision**

1. Any decision made by the Board of Appeals regarding an appeal or variance or issuance or revocation of a special exception shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.
2. In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall include an opinion that states the Board's findings and conclusions, as well as supporting reasons or facts, whenever this ordinance requires the same as a prerequisite to taking action.

## **Part IV Amendments**

### **Section 322. Amendments In General**

1. The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed, provided however, that no such action may be taken until after the Board of County Commissioners shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.
2. Any application for a Comprehensive Plan or zoning amendment shall contain specific information setting forth the basis for the granting of the request.
3. Amendments affecting the Chesapeake Bay Critical Area shall be in conformance with Article XI, Part I, Section 203 and all applicable State rules and regulations.

### **Section 323. Initiation of Amendments**

1. Proposed amendments may be originated by the Office of Planning and Zoning, the Planning Commission, or the owner(s) of the property(s) for which a zoning change is sought.
2. Proposed amendments shall first be submitted to the Office of Planning and Zoning. The applicant shall then present the proposed amendment for review by the Planning Commission which shall submit its recommendations to the County Commissioners for a public hearing.

### **Section 324. Hearing Required; Notice**

1. All public hearings shall be conducted in accordance with the provision of Article 66B, Section 4.04, Annotated Code of Maryland. Specifically, the following procedures shall apply:

- a. The County shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, modified or repealed. However, a regulation, restriction, or boundary may not become effective until at least one (1) public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard and the decision with regard to said matter has been signed by the County Commissioners. Notwithstanding the foregoing, once a hearing has begun with regard to said amendment, supplementation, or modification, said request for amendment, supplementation, or modification may not be withdrawn.
- b. At least fifteen (15) days prior to the hearing notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County, and posted on any property proposed to be rezoned. In addition and to the extent possible based on best available information, all property owners immediately abutting to the application shall be notified by Certified Mail and furnished a copy of the said application.

### **Section 325. Planning Commission Consideration of Proposed Amendments**

- 1. The Planning Commission shall consider the application and shall conduct a public hearing regarding the application. The public hearing shall be conducted as follows:
  - a. The applicant shall be given ample time to present his case to the Planning Commission. In so doing the applicant may call on expert witnesses to support his request.
  - b. The Zoning Administrator shall present a staff report representing a review of the application
  - c. The Planning Commission shall ask such questions of either the applicant, any witnesses, or the staff as may be necessary in deciding its approval, denial, tabling, or continuance of the application.
  - d. The Public shall be given an opportunity to testify or ask questions of the applicant, his witnesses, or the planning staff. The Planning Commission may in turn question those testifying and may place a reasonable time limit for such testimony.
- 2. Within sixty (60) days from the Planning Commission's final hearing on the application, the Planning Commission shall transmit the application to the County Commissioners together with its recommendations for approval or disapproval. The Planning Commission shall concurrently transmit this information to the applicant.
- 3. The Planning Commission's formal recommendation on the application shall be presented to the Board of County Commissioners at the hearing on the application.

(Amended on 12/19/06 and 5/1/07)

### **Section 326. Board of County Commissioners Action on Amendments**

- 1.** Before approving or disapproving any application for amendment, the County Commissioners shall hold at least one (1) public hearing in relation to the application, at which parties in interest and citizens shall have an opportunity to be heard.
- 2.** The County Commissioners shall hold a public hearing within sixty (60) days after receipt of the Planning Commission's recommendation.
- 3.** In any action by the Board of County Commissioners to amend this Ordinance, the Zoning Administrator shall be present during all deliberations by the Commissioners and shall answer such questions and render such advice and assistance as may be appropriate to the action being taken, but Zoning Administrator shall not participate in the decision of the Commissioners beyond the submitting of a recommendation from the staff and from the Planning Commission as to the action proposed to be taken in each case.
- 5.** In evaluating the proposed amendment, the County Commissioners shall make findings of fact in each specific case, including but not limited to the following matters, where applicable:
  - a.** Population changes
  - b.** Availability of public facilities
  - c.** Present and future transportation and traffic patterns, character, and volume
  - d.** Compatibility with existing and proposed developments in the area
  - e.** Compatibility with the intent of the Comprehensive Plan
  - f.** Compatibility with the purposes of any Special District in which the area requested to be rezoned is located.

The County Commissioners may grant the amendment on a determination that there was a substantial change in the character of the neighborhood where the property is located, or that there was an error or mistake in the existing zoning regulations.

- 6.** In the granting of any amendment pursuant to this Ordinance, the Board of County Commissioners shall solicit and consider the recommendations of the Office of Planning and Zoning and those of the Planning Commission.
- 7.** An amendment whereby any tract of land is rezoned shall allow for any uses that are permitted in that zone.

8. An application for Zoning Amendment shall not be accepted by the Zoning Administrator if the application is for a Zoning Amendment of the whole or any part of land which has been denied by the County Commissioners until twelve (12) months from the date of denial.
9. The applicant for a zoning amendment shall have the burden of proof (including the burden of going forward with the evidence and the burden of persuasion) of all questions of fact.
10. The record in all zoning cases shall include the application, all documents or communications submitted regarding the application, the recorded testimony received at the hearing, any reports or communications to or from any public officials or agency concerning the application, and the final decision of the County Commissioners. The record shall be open to public inspection and shall be maintained in the Office of the Zoning Administrator.

**Section 327. Reserved**

**Section 328. Reserved**



## **ARTICLE XVIII    NONCONFORMING SITUATIONS**

### **Section 329.    Intent**

It is the intent of this ordinance that lots, uses, or structures existing at the time of adoption of this ordinance or amendments thereto, and which are rendered non-conforming by such adoption, shall be permitted to continue until removed or abated, but shall not be encouraged to survive. Accordingly, such non-conformities shall not be enlarged, expanded, or extended. Further, if any such non-conformity ceases to exist for a period of ninety (90) days any subsequent use shall conform to the regulations for the zone in which the property is located. In cases where structures are damaged or destroyed by accident or natural causes, such period shall be one (1) year. Nonconforming dwelling units, including structures accessory thereto may be expanded provided that said expansion does not encroach or increase encroachment across any established setback line.

### **Section 330.    Continuation of Nonconforming Situations and Completion of Nonconforming Projects**

Unless otherwise specifically provided in this Ordinance and subject to the restrictions and qualifications set forth in Sections 331 through 334, nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued.

### **Section 331.    Nonconforming Lots**

The following regulations shall apply to all lots of record which were existing prior to the effective date of this ordinance:

1.     A dwelling unit may be erected in any zone permitting such residences on any lot of record, excluding agriculture transfers and add-ons, existing as of the date of adoption of this ordinance, even though such lot may not meet the requirements of this ordinance with respect to minimum lot size, width or depth, or maximum density, provided that all other regulations are met. In the case of such lots, the minimum yard requirements shall be determined by the Zoning Administrator based on the prevailing characteristics in the surrounding neighborhood for front and rear yards; for side yards, the minimum set back shall be five (5) feet.
2.     This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no principle building upon it or if there is a principle building upon it which is physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition.
3.     The intent of this subsection is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified

herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

### **Section 332. Extension or Enlargement of Nonconforming Situations**

1. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
  - a. An increase in the total amount of space devoted to a nonconforming use, or
  - b. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking requirements.
2. A nonconforming situation may be altered to decrease its nonconformity.

### **Section 333. Repair, Maintenance, Reconstruction**

1. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Work may be done only in accordance with a zoning certificate issued pursuant to this section.
2. The Zoning Administrator shall issue a permit authorized by this section if he finds that, in completing the renovation, repair or replacement work:
  - a. No violation of Section 332 will occur, and
  - b. The permittee will comply to the extent reasonably possible with all provisions of this Ordinance applicable to the existing use (except that the permittee shall not lose his right to continue a nonconforming use).

### **Section 334. Abandonment and Discontinuance of Nonconforming Situation**

When a structure or operation made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the ninety (90) consecutive day period for purposes of this section begins to run on the effective date of this Ordinance.

### **Section 335. Reserved**

### **Section 336. Reserved**

## **ARTICLE XIX      ENFORCEMENT AND REVIEW**

Building permits or zoning certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such permits, plans, and certificates, and no other. The use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance.

### **Section 337.   Complaints Regarding Violations**

Whenever the Zoning Administrator receives a complaint alleging a violation of this Ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

### **Section 338.   Persons Liable**

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person(s) who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

### **Section 339.   Procedures Upon Discovery of Violations**

1.     Upon the finding by a zoning official that any provision of this Ordinance is being violated, the zoning official shall immediately send written notice to the person responsible for such violation, including the property owner(s), advising them of the nature of the violation and the action necessary to correct such violation. Such notice shall also advise that the decision of the zoning official may be appealed to the Board of Appeals in accordance with Section 305.
2.     The zoning official may deliver a citation to a person believed to be committing a civil zoning violation. A copy of the citation shall be retained by the zoning official and shall bear certification attesting to the truth of the matters set forth. The citation shall contain:
  - (a)    The name and address of the person charged;
  - (b)    The nature of the violation;
  - (c)    The place and time where the violation occurred;
  - (d)    The amount of the fine assessed;
  - (e)    The manner, location, and time in which the fine may be paid; and

- (f) The person's right to elect to stand trial for the violation.
- 3. A pre-set fine, not exceeding \$500.00 may be imposed for each violation. Each day on which the violation continues shall constitute a separate offense.
- 4. If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address. If the citation is not satisfied within 15 days from the date of the notice, the person is liable for an additional fine equal to twice the amount of the original preset fine. If, after 35 days, the citation is not satisfied, the zoning official may request adjudication of the case through the District Court.
- 5. Enumeration of violations and pre-set fines - an act or conduct referred to in this subsection is a civil zoning violation:
  - a. An act which violates any covenant or condition of any approval given by the Planning Commission or Board of Appeals under this section or any prior Ordinance - Fine \$500.00.
  - b. An act which constitutes the continuance of a nonconforming use or structure after the time when this Ordinance requires that such use be terminated or discontinued. Fine \$250.00.
  - c. An act which constitutes the enlarging, extending or expanding of a nonconforming use or structure in a manner not authorized by this Ordinance. Fine \$250.00.
  - d. An act for which rezoning, special exception or variance is required, which is done without making application for and obtaining such permission as required by this Ordinance. Fine \$500.00.
  - e. Making a materially false writing on any application required by this Ordinance, knowingly making false or incomplete representations to the Boards, misrepresenting actions by other government entities. Fine \$100.00.
  - f. Willfully using a property for any purpose or in any manner which could not be authorized by a Zoning Certificate. Fine \$250.00.
  - g. Willfully providing false or incorrect information to zoning authority in connection with a determination of whether a use is legally non-conforming. Fine \$100.00.

- h.** Any act not referred to in the preceding paragraphs of this subsection which involves the use of property in any manner which is prohibited by this Ordinance. Fine \$250.00.

#### **Section 340. Penalties and Remedies for Violations**

- 1.** Violation of the provisions of this Ordinance, failure to comply with any of its requirements, or a person who commits or assists in the commission of any unlawful act is guilty of a criminal misdemeanor and subject to a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) or to imprisonment for not more than 90 days, or both fine and imprisonment. In addition the person or persons shall pay all costs and expenses as well as any fair and reasonable legal fees incurred as a result of said action being brought.
- 2.** The procedure for the issuance of citations, collection of fines and trial with respect to disputed or unsatisfied citations shall be as prescribed in Section 7.01(c) of Article 66B of the Annotated Code of Maryland, as amended from time to time.
- 3.** Nothing herein contained shall prevent the County from taking such other lawful actions as is necessary to prevent or remedy any violation. The persons liable, as defined by Section 338 herein, shall be required to pay any and all fair and reasonable costs and expenses incurred by the County in its enforcement of this Ordinance, including but not limited to, attorneys' fees incurred by the County.

#### **Section 341. Permit Revocation**

- 1.** A zoning certificate or site plan may be revoked by the Zoning Administrator (in accordance with the provisions of this Section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed.
- 2.** Before a zoning certificate or site plan may be revoked, the Zoning Administrator shall give the recipient 10 days notice of intent to revoke the certificate or site plan and shall inform the recipient of the alleged reasons for the revocation. If the certificate is revoked, the Zoning Administrator shall provide to the permittee a written statement of the decision and the reasons therefor.
- 3.** No persons may continue to make use of land or buildings in the manner authorized by any zoning, or special exception after such permit has been revoked.

#### **Section 342. Computation of Time**

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.

*(Amended 8/18/2009)*

**Section 343. Judicial Review**

1. A decision of the Board of Appeals, and a decision of the County Commissioners in the granting or denial of a zoning amendment may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure.
2. A decision of the Planning Commission may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure.

**Section 344. Reserved**

## APPENDIX A

### Information Required with Applications for Sketch Plans, Site Plans, Plot Plans, Environmental Assessments, and Growth Allocation Plans

Item # and Description	Sketch Plat	Minor Site Plan	Major Site Plan	Plot Plan	Environ- mental Assess- ment	Growth Allocation Plan
<b>I. PROJECT-PLAT INFORMATION</b>						
1. Name, address of owner, applicant	X	X	X	X	X	X
2. Name, signature, license number, seal, and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in document preparation	X	X	X		X	X
3. Title block denoting name and type of application, tax map sheet, election district, block and lot, parcel, and street location		X	X	X	X Qualified Professional	X
4. A key map at a specified scale showing location of tract with reference to surrounding properties, streets, landmarks, streams, etc.	X		X		X	X
5. Existing and proposed zoning of tract and adjacent property	X		X	X		
6. North arrow and scale	X	X	X	X		
7. Appropriate signature block for zoning administrator			X			
8. Appropriate certification blocks						
9. Monumentation						
10. One (1) of four (4) standardized sheets: 30" x 42" 24" x 36" 18" x 24" 8.5" x 11"		X	X	X		X
11. Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords, and central angles for all centerlines and rights-of-way, and centerline curves on streets			X			
12. Acreage of tract	X	X	X	X	X	X
13. Date of original and all revisions	X		X	X		
14. Size, location, and height of any existing or proposed structures with all setbacks dimensioned (for Sketch and Growth Allocation Plats, general location of non-residential buildings but not setbacks)	X (Approximate)	X	X	X		

**Notes:**

**X = Item required at indicated Development Stage shown in the column heading.**

## APPENDIX A

### Information Required with Applications for Sketch Plans, Site Plans, Plot Plans, Environmental Assessments, and Growth Allocation Plans

Item # and Description	Sketch Plat	Minor Site Plan	Major Site Plan	Plot Plan	Environ- mental Assess- ment	Growth Allocation Plan
15. Location and dimensions of any existing or proposed roads or streets (for Building Plot Plans and Environmental Assessments general location)	X (Approximate)	X	X	X	X	X
16. All existing or proposed lot lines and area of lots in square feet or lot dimensions		X	X	X	X	X
17. Copy and/or delineation of any existing or proposed deed restrictions or covenants	X (existing)		X			X
18. Any existing or proposed easement or land reserved for or dedicated to public use	X	X	X		X	X
19. Development stages or staging plans (for Growth Allocation Plat, general staging)	X		X			X
20. List of required regulatory approvals or permits	X		X		X	X
21. List of variances required or requested		X	X	X	X	X
22. Requested or obtained design waivers or exceptions	X		X	X	X	X
23. Specific uses proposed	X	X	X		X	X
24. Type of wastes or by-products to be produced and method of disposal of such waste		X	X			X
25. Payment of application fees	X	X	X	X	X	X
<b>II. SETTING-ENVIRONMENTAL INFORMATION</b>						
26. Adjacent property owners	X	X	X		X	X
27. All existing water courses, perennial streams, floodplain, wetlands, or other environmentally sensitive area on and within 200' of site	X		X		X	X
28. Existing rights-of-way and/or easements on and within 100' of tract	X		X		X	X
29. Topographical features of subject property	X		X		X	X
30. Existing and proposed contour intervals based on USC&GS or County data. Contours to extend at least 100' beyond subject property as follows:  up to 3% grade = 2' 3% + grade = 5'	X		X		X	X
31. Slope analysis areas >15 & 25% shall be shaded and identified as steep slopes	X	X	X		X	X

**Notes:**

**X = Item required at indicated Development Stage shown in the column heading.**



## APPENDIX A

### Information Required with Applications for Sketch Plans, Site Plans, Plot Plans, Environmental Assessments, and Growth Allocation Plans

Item # and Description	Sketch Plat	Minor Site Plan	Major Site Plan	Plot Plan	Environmental Assessment	Growth Allocation Plan
32. Soils based on Soil Survey			X		X	X
33. Boundary, limits, nature, and extent of wooded areas, specimen trees, and other significant physical features (details may vary)	X (Approximate)		X		X	X
34. Existing system of drainage of subject site and of any larger tract or basin of which it is a part			X		X	X
35. A 100 Year Flood Plain based on FEMA maps	X	X	X	X	X	X
36. Non-tidal wetlands delineation based on NWI maps or County Maps	X	X	X		X	X
37. Non-tidal wetlands identification based on field analysis		disturbed area only	disturbed area only	disturbed area only	X	X
<b>The following items are required in the areas designated in the Zoning Ordinance as the Critical Area District (See Article XI, Part I for special requirements):</b>						
38. Location of areas to be disturbed by construction and location of trees measuring greater than 12" in diameter at 4.5'		X	X	X	X	
39. The location of Habitat Protection Areas on the site or within 1/4 mile in the case of bald eagle habitat			X		X	X
40. Location of all contiguous forested areas on the site and adjacent to the site	X		X		X	X
<b>III. IMPROVEMENTS AND CONSTRUCTION INFORMATION</b>						
41. Construction details as required by ordinance			X			
42. Description, method and location of water supply and sewerage disposal facilities	X	X	X	X	X	X
43. Lighting plan and details			X			X
44. Landscape plan and details			X		X	X
45. Location, size, and type of all signs (site identification signs, traffic control signs, and directional signs)			X			X
46. Vehicular and pedestrian circulation patterns (less detail necessary for Sketch Plat stages)	X		X			X
47. Parking plan showing spaces, size, and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions		X	X			X

**Notes:**

**X = Item required at indicated Development Stage shown in the column heading.**

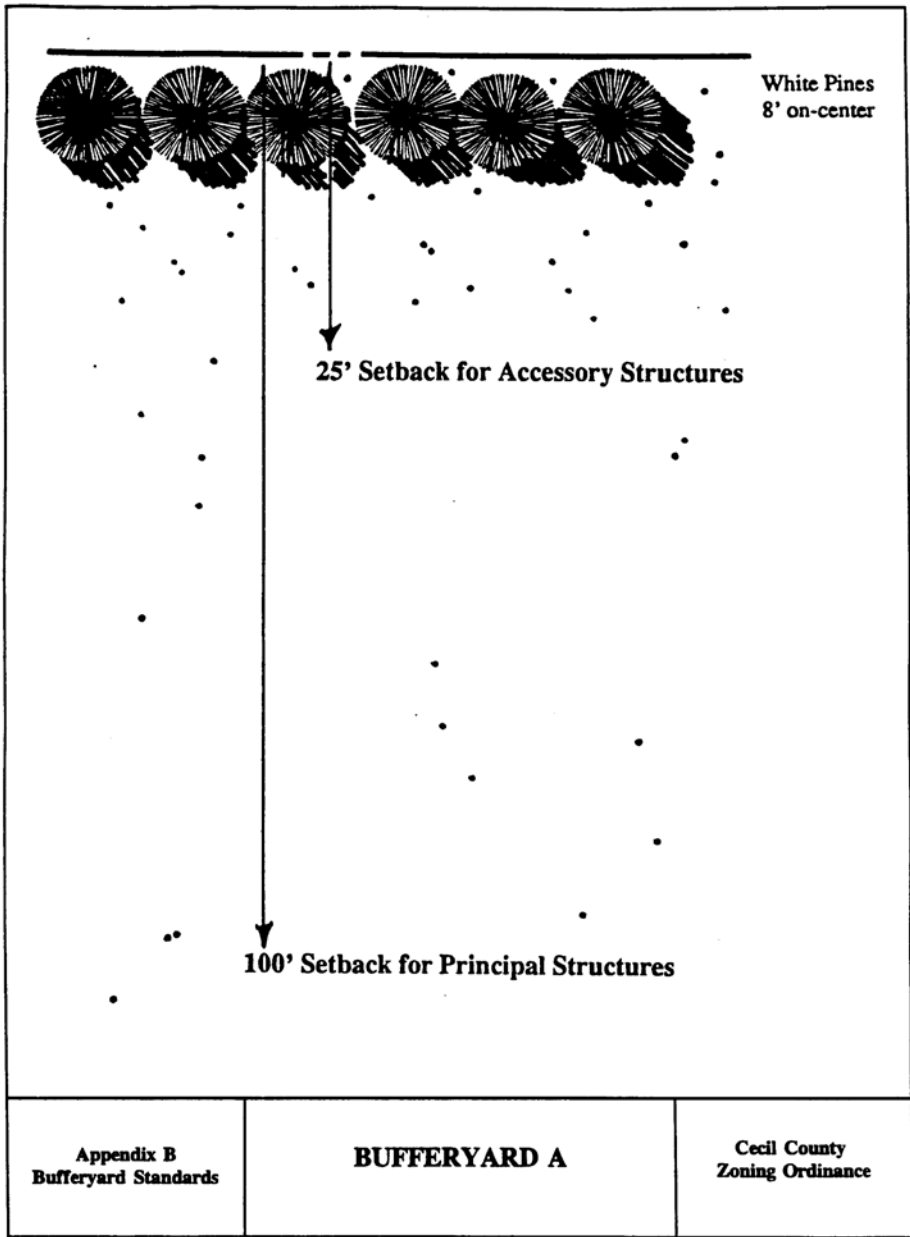
## APPENDIX A

### Information Required with Applications for Sketch Plans, Site Plans, Plot Plans, Environmental Assessments, and Growth Allocation Plans

Item # and Description	Sketch Plat	Minor Site Plan	Major Site Plan	Plot Plan	Environ- mental Assess- ment	Growth Allocation Plan
48. Designated open space and/or planned recreational facilities	X		X		X	X
49. Areas of outdoor storage		X	X			
50. Other information as may be necessary to assure compliance with applicable regulations	X	X	X	X	X	X

#### Notes:

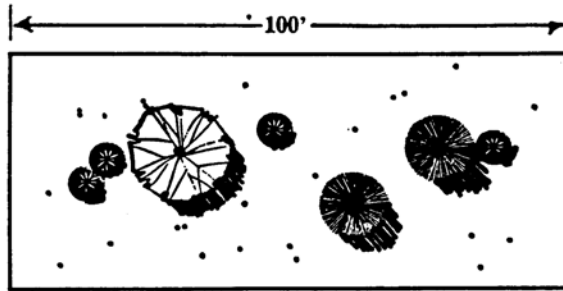
**X = Item required at indicated Development Stage shown in the column heading.**



**Plant Unit  
Multiplier**

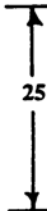
**Resulting Plant  
Units Required**

0.4



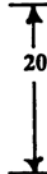
- 1 Canopy Tree
- 2 Understory Trees
- 4 Shrubs

0.6



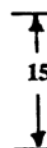
- 1 Canopy Tree
- 2 Understory Trees
- 6 Shrubs

0.8



- 2 Canopy Trees
- 3 Understory Trees
- 8 Shrubs

1.0



- 2 Canopy Trees
- 4 Understory Trees
- 10 Shrubs

**Appendix B  
Bufferyard Standards**

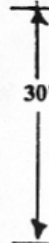
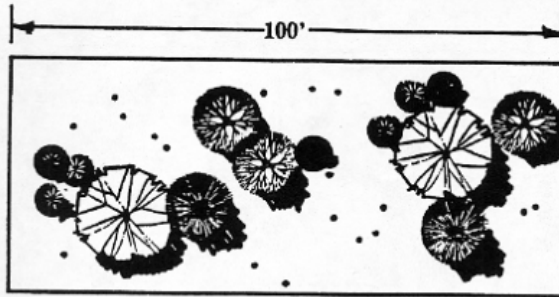
**BUFFERYARD B**

**Cecil County  
Zoning Ordinance**

Plant Unit  
Multiplier

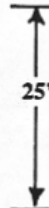
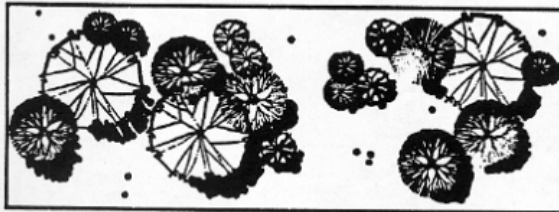
Resulting Plant  
Units Required

0.6



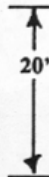
- 2 Canopy Trees
- 5 Understory Trees
- 7 Shrubs

0.8



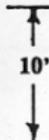
- 3 Canopy Trees
- 6 Understory Trees
- 10 Shrubs

0.9



- 4 Canopy Trees
- 7 Understory Trees
- 11 Shrubs

1.0



- 4 Canopy Trees
- 8 Understory Trees
- 12 Shrubs

Appendix B  
Bufferyard Standards

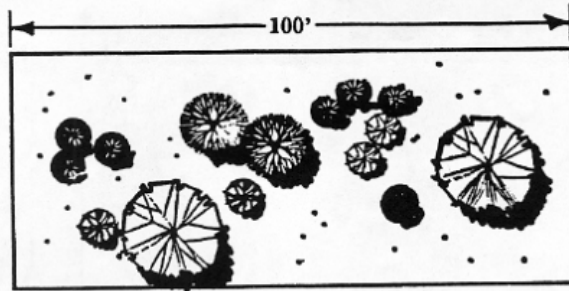
**BUFFERYARD C**

Cecil County  
Zoning Ordinance

Plant Unit  
Multiplier

Resulting Plant  
Units Required

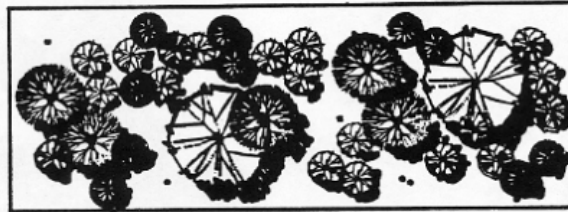
0.6



40'

- 2 Canopy Trees
- 2 Understory Trees
- 4 Shrubs
- 7 Evergreens/Conifers

0.8



30'

- 2 Canopy Trees
- 5 Understory Trees
- 19 Shrubs
- 10 Evergreens/Conifers

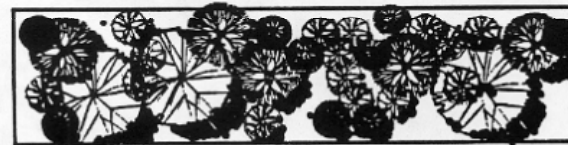
1.0



25'

- 4 Canopy Trees
- 5 Understory Trees
- 24 Shrubs
- 12 Evergreens/Conifers

.75



20'

- 3 Canopy Trees
- 5 Understory Trees
- 18 Shrubs
- 9 Evergreens/Conifers

B1 Berm Required

.70



15'

- 3 Canopy Trees
- 4 Understory Trees
- 17 Shrubs
- 8 Evergreens/Conifers

B2 Berm Required

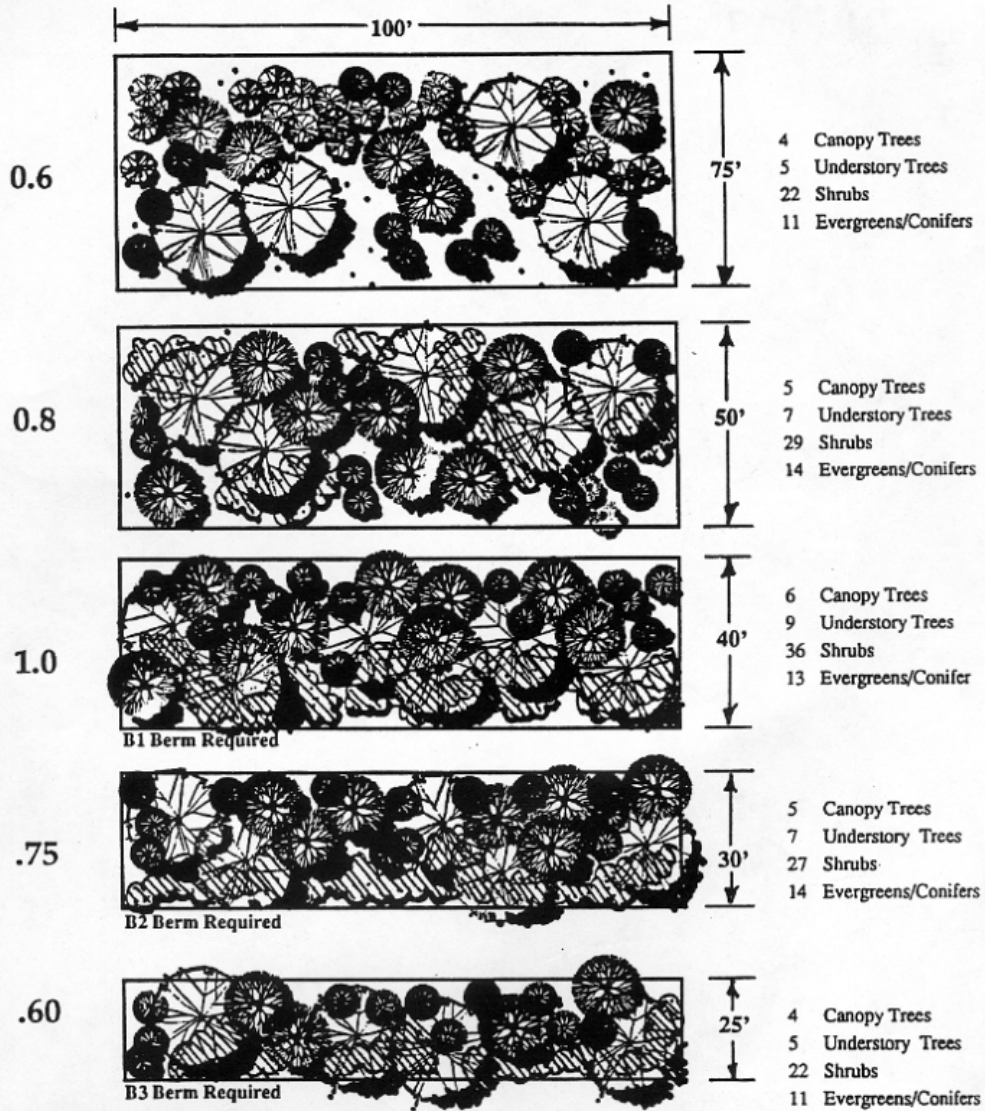
Appendix B  
Bufferyard Standards

BUFFERYARD D

Cecil County  
Zoning Ordinance

Plant Unit  
Multiplier

Resulting Plant  
Units Required



Appendix B  
Bufferyard Standards

**BUFFERYARD E**

Cecil County  
Zoning Ordinance

## **BERMS**



### **SYMBOL**

### **HEIGHT**

### **MATERIAL**

**B1**

**4'**

**EARTH**

**B2**

**5'**

**EARTH**

**B3**

**6'**

**EARTH**

**Appendix B  
Bufferyard Standards**

**BUFFERYARD**

**Cecil County  
Zoning Ordinance**



## **Appendix B**

### **STANDARDS FOR BUFFERYARD DESIGN**

#### **B-1: Bufferyard Specifications**

The following illustrations graphically indicate the specifications of each bufferyard. Bufferyard recommendations are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. The recommended bufferyard should be one of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials recommended for a given bufferyard is determined given a change in the width of that yard. The type and quantity of plant materials recommended by each bufferyard, and each bufferyard option, including berms, are specified in this section.

Afforestation or reforestation plantings required under the Cecil County Forest Conservation Regulations may occur in bufferyards provided such plantings meet the minimum requirements of the Forest Conservation Regulations.

The options within any bufferyard are designed to be equivalent in terms of their effectiveness in eliminating the impact of adjoining uses. Cost equivalence between options was attempted where possible. Generally, the plant materials which are identified as desirable are determined by the type(s) of soil present on the site. Each illustration depicts the total bufferyard located between two uses.

#### **B-2: Plant Material**

The following plant material substitutions may satisfy the recommendations of this section.

- (1) In bufferyards C, D, and E evergreen canopy or evergreen understory trees may be substituted for deciduous canopy forest trees without limitation.
- (2) In bufferyards B evergreen canopy or evergreen understory trees may be substituted as follows:
  - (a) In the case of deciduous canopy forest trees, up to a maximum of fifty (50) percent of the total number of the deciduous canopy trees otherwise required.
  - (b) In the case of deciduous understory, without limitation.
- (3) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.
- (4) In all bufferyards required of public service uses, the public service use may substitute

evergreen canopy or evergreen understory plant materials for canopy forest trees and understory plant materials, without limitation.

If the development on the adjoining parcel is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access. Any existing plant material which otherwise satisfies the requirements of this section should be used.

Although the exact placement of recommended plants and structures is the decision of each user the following is recommended:

- (1) Except as specified in Bufferyard A, evergreen (or conifer) class III and IV plant materials should be planted in clusters rather than singly in order to maximize their chances of survival.
- (2) Berms (B<sub>1</sub>, B<sub>2</sub>, and B<sub>3</sub>) recommended with bufferyard D and E options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials.

All bufferyard areas should be seeded with lawn unless ground cover is already established.

## Appendix C

### ALPHABETICAL LISTING OF USES

<b>Permitted Use Chart Designation</b>	<b>Permissible Use Description (reference to Article V, <u>Specific Supplementary Regulations</u>)</b>
13.01.000	Accessory Structures and Uses
10.03.000	Adult Bookstore and/or Entertainment Center (Section 126)
1.01.100	Agriculture
1.01.200	Agricultural Equipment Sales (Section 57)
1.01.110	Agricultural Product Sales (Section 158)
7.02.000	Airport (Section 111)
10.04.000	Alcoholic Beverage Sales/Liquor Stores (Section 127)
5.09.000	Amusement Parks (Section 105)
9.09.000	Animal Hospital (Section 123)
1.01.300	Animal Husbandry (Section 58)
10.05.000	Antique Shops (Section 128)
1.02.000	Aquaculture
10.06.000	Auction Houses (Section 129)
5.07.000	Automobile and Motorcycle Racing Tracks (Section 103)
12.09.000	Automobile Parking Garages or Parking Lots, not accessory to a permitted use
9.04.000	Banks, Drive-In (Section 120)
3.07.200	Bed and Breakfast (Section 84)
12.02.000	Blacksmith Shop
3.07.100	Boarding Houses (Section 83)
12.04.000	Bottling Facility
12.07.000	Brick or Block Manufacturing
7.05.200	Bus Depot
9.05.000	Business Services
11.10.000	Bus Storage (Section 142)
5.05.000	Campgrounds, Recreational Vehicle Parks (Section 101)
11.11.000	Car Wash
4.06.110	Cemeteries - located on church grounds
4.06.120	Cemeteries - not located on church grounds (Section 93)
5.01.500	Coliseums, Stadiums (Section 99)
10.01.000	Commercial Retail Establishments - floor area <5,000 square feet (Section 124)
10.02.000	Commercial Retail Establishments - floor area >5,000 square feet (Section 125)
9.01.000	Commercial Service Establishments - floor area <5,000 square feet (Section 116)

(Amended 4/18/00)

**Permitted  
Use Chart  
Designation**

**Permitted Use Description (reference to Article V,  
Specific Supplementary Regulations)**

9.02.000	Commercial Service establishments - floor area >5,000 square feet per parcel (Section 117)
1.01.600	Commercial Stables (Section 61)
8.04.000	Communication Tower (Section 115)
12.08.000	Concrete and Asphalt Plants (Section 146)
3.07.300	Conference Center (Section 85)
9.07.000	Construction Business and Supplies
4.06.200	Crematorium (Section 94)
3.06.200	Day Care
3.06.210	Day Care Center, Family
3.06.220	Day Care Center, Group (Section 80)
3.03.200	Dwelling - Apartment (Section 76)
3.03.300	Dwelling - Apartment Conversion (Section 77)
3.02.100	Dwelling - Duplex (Section 72)
3.01.500	Dwelling - Guest House on parcels greater than 50 acres
3.01.600	Dwelling - Guest House on parcels less than 50 acres
3.01.200	Dwelling - Manufactured Home - Double-wide (Section 70)
3.01.300	Dwelling - Manufactured Home - Single-wide (Section 71)
3.02.200	Dwelling - Semi-Detached (Section 73)
3.01.100	Dwelling - Detached (Section 69)
3.01.400	Dwelling - Tenant House
3.03.100	Dwelling - Townhouse (Section 75)
3.02.300	Dwelling with Accessory Apartment (Section 74)
8.02.000	Electric Power, Gas Transmission and Telecommunications Buildings and Structures (Section 114)
1.06.000	Farmers Markets (Section 63)
5.06.000	Festivals or Events (Section 102)
6.02.000	Fire Station with Assembly Hall (Section 110)
6.01.000	Fire Stations without Assembly Hall
1.03.000	Fisheries
1.04.000	Forestry
9.08.000	Funeral Parlors (Section 122)
1.09.000	Greenhouse - on-premise sales permitted (Section 65)
5.08.000	Go Cart Track (Section 104)
5.02.000	Privately-Owned Outdoor Recreation Facilities (Section 100)
5.03.000	Golf courses and country clubs swimming or tennis clubs privately owned and approved as part of some residential development
5.11.000	Golf Driving Range - not part of a golf course (Section 107)
5.12.000	Golf-Miniature

**Permitted  
Use Chart  
Designation**

**Permitted Use Description (reference to Article V,  
Specific Supplementary Regulations)**

5.10.000	Golf Courses - Public (Section 106)
3.06.110	Group Homes - less than 9 people
3.06.120	Group Homes - 9 through 16 people
3.06.300	Halfway House (Section 81)
12.15.300	Hazardous Waste Recycling Facility (Section 151)
12.15.400	Hazardous Waste Incineration Facility (Section 152)
9.06.000	Health Club (Section 121)
12.01.100	Heavy Industry
7.03.000	Helicopter Facilities (Section 112)
3.05.000	Home Occupation (Section 79)
4.05.100	Hospitals (Section 91)
3.08.000	Hotel (Section 86)
4.02.000	House of Worship
5.01.000	Indoor recreation (Section 95)
5.01.300	Indoor Rifle and Pistol Ranges (Section 97)
1.10.000	Kennel, Commercial (Section 66)
4.03.000	Libraries, Museums
12.01.200	Light Industry (Section 143)
1.07.000	Livestock Market (Section 64)
3.04.000	Manufactured Home Park (Section 78)
10.08.000	Manufactured Home Sales
5.04.000	Marina
2.00.100	Mineral Extraction (Section 67)
2.00.200	Mineral Processing (Section 68)
12.12.000	Mini-Storage (Section 147)
3.09.000	Motel (Section 87)
11.02.000	Motor Vehicle Filling Station (Section 135)
11.03.000	Motor Vehicle Rental (Section 136)
11.04.000	Motor Vehicle Repair and Maintenance (Section 137)
11.01.000	Motor Vehicle Sales
8.01.000	Neighborhood Essential Service
12.13.000	Non-Automotive Fuel Sales (Section 148)
4.05.200	Nursing Care Facility (Section 92)
1.08.000	Nursery
9.03.100	Office Building, Class A (Section 118)
9.03.200	Office Building, Class B
9.03.300	Office Building, Class C (Section 119)
5.01.400	Off-track Betting (Section 98)
10.09.000	Open-air Markets
8.03.000	Overhead Electric Power Transmission of >69,000

**Permitted  
Use Chart  
Designation**

**Permitted Use Description (reference to Article V,  
Specific Supplementary Regulations)**

7.05.300	Park and Ride Facilities
10.07.000	Pet Store
12.15.200	Petroleum Products Recycling Facility (Section 150)
4.04.000	Private Clubs (Section 90)
6.04.000	Police Station
7.00.100	Post Office - Local
7.00.200	Post Office - Regional
12.16.000	Power Generating Facilities (Section 156)
7.04.000	Prison (Section 113)
8.05.000	Public Utility
12.15.100	Recycling Facility
6.03.000	Rescue Squad, Ambulance Service
12.14.000	Research and Development Facilities (Section 149)
10.12.200	Restaurant, Carry-out, Delivery (Section 132)
10.12.300	Restaurant, Drive-in or Fast Food (Section 133)
10.12.100	Restaurant, Standard (Section 131)
3.06.400	Retirement Housing Complex (Section 82)
5.13.000	Rifle and Pistol Range, War Games, Archery Ranges or Other Recreation Using Weapons (Section 108)
1.01.500	Roadside Stand (Section 60)
12.15.500	Rubble Landfill (Section 153)
11.05.000	Salvage Yard (Section 138)
12.15.600	Sanitary Landfill (Section 154)
12.05.000	Saw Mills (Section 144)
4.01.000	Schools, Public
4.01.100	Schools, Private (Section 88)
10.11.000	Shopping Center (Section 130)
1.01.400	Slaughterhouses (Section 59)
12.15.700	Sludge Handling (Section 155)
5.14.000	Swimming Pool, Commercial (Section 109)
11.07.000	Storage Trailer
11.08.000	Storage Trailer Facility (Section 141)
10.12.400	Tavern (Section 134)
5.01.200	Theater - Drive-in (Section 96)
5.01.100	Theater - Indoor
1.05.000	Topsoil, Mulch, and/or Aggregate Sales (Section 62)
11.06.000	Towing Service (Section 139)
4.01.200	Trade or Vocational Schools, Private (Section 89)
7.05.100	Train Station
11.13.000	Travel Plaza

**Permitted  
Use Chart  
Designation**

**Permitted Use Description (reference to Article V,  
Specific Supplementary Regulations)**

11.07.000	Travel Trailers (Section 140)
11.14.000	Truck Stop
12.10.000	Truck Terminal
11.12.000	Truck Wash
12.11.000	Warehouse
12.03.000	Welding Shops, Ornamental Iron Works, Machine Shops
10.10.000	Wholesale Sales Establishments
12.06.000	Winery (Section 145)
13.02.000	Zoological Gardens